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JOURNAL

OF

THE CONVENTION,

CALLED

By the Freemen of North-Carolina,

TO AMEND

THE CONSTITUTION OF THE STATE,

WHICH ASSEMBLED

In the City of Raleigh, on the 4th of June, 1835,

AND CONTINUED IN SESSION

Until the 11th day of July thereafter.

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Raleigh:

**PRINTED BY J. GALES & SON,
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1835.

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JOURNAL OF THE CONVENTION.

At a CONVENTION begun and held in the City of Raleigh, on Thursday, the fourth day of June, in the year of our Lord one thousand eight hundred and thirty-five, and in the fifty-ninth year of the Independence of the United States of America, the following Delegates elect appeared and produced their credentials:

Anson—William A. Morris, Joseph White.
Ashe—Alexander B. McMillan, George Bower.
Beaufort—Joshua Tayloe, Richard H. Bonner.
Bertie—David Outlaw, Joseph B. G. Roulhac.
Bladen—John Owen, Samuel B. Andres.
Brunswick—Frederick J. Hill, William R. Hall.
Buncombe—David L. Swain, James Gudger.
Burke—Burges S. Gaither.
Cabarrus—Daniel M. Barringer, Christopher Melchor.
Carteret—Wallace H. Styron.
Caswell—William A. Lea, Calvin Graves.
Chatham—Joseph Ramsay, Hugh McQueen.
Columbus—Alexander Troy, Absalom Powell.
Craven—William Gaston, Richard D. Spaight.
Cumberland—John D. Toomer, Archibald McDiarmid.
Currituck—Gideon C. Marchant, Isaac Baxter.
Davidson—John A. Hogan, John L. Hargrave.
Duplin—Jeremiah Pearsall, John E. Hussey.
Edgecomb—Louis D. Wilson, Plesanton S. Sugg.
Franklin—Henry J. G. Ruffin, William P. Williams.
Granville—Robert B. Gilliam, Josiah Crudup.
Greene—Jesse Speight, Thomas Hooker.
Guilford—John M. Morehead, Jonathan Parker.
Halifax—John Branch.
Haywood—William Welch, Joseph Cathey.
Hertford—Isaac Pipkin, Kenneth Rayner.
Hyde—Wilson B. Hodges, Alexander F. Gaston.
Iredell—Samuel King, John M. Young.
Johnston—Jesse Adams, Hillory Wilder.
Jones—William Huggins, James W. Howard.
Lincoln—Bartlett Shipp, Henry Cansler.
Macon—Benjamin S. Brittain, James W. Guinn.
Martin—Jesse Cooper, Asa Biggs.
Montgomery—John B. Martin, James L. Gaines.
Moore—John B. Kelly, Charles Chalmers.

Nash—John Arrington, William W. Boddie.
New-Hanover—Lewis H. Marsteller.
Northampton—Roderick B. Gary.
Orange—James S. Smith, William Montgomery.
Pasquotank—Richard H. Ramsay.
Perquimons—Jonathan H. Jacocks.
Person—Moses Chambers, John W. Williams.
Pitt—Robert Williams, *sen.* John Joiner.
Randolph—Alexander Gray, Benjamin Elliott.
Richmond—Alfred Dockery, Henry W. Harrington.
Robeson—John W. Powell, Richard C. Bunting.
Rockingham—Edward T. Brodnax, John L. Lesueur.
Rowan—Charles Fisher, John Giles.
Rutherford—Joseph McD. Carson, Theodorick F. Birchett.
Sampson—William B. Meares, Thomas I. Faison.
Stokes—Matthew R. Moore, Emanuel Shober.
Surry—Meshack Franklin, William P. Dobson.
Tyrrell—Hezekiah G. Spruill, Joseph Halsey.
Wake—Henry Seawell, Kinbrough Jones.
Warren—Nathaniel Macon, Weldon N. Edwards.
Washington—Joseph C. Norcom.
Wayne—Gabriel Sherard, Lemuel H. Whitfield.
Wilkes—Edmund Jones, James Wellborn.

A question arising upon taking the Oath set forth in the Act of the General Assembly, passed in 1834, entitled "An Act concerning a Convention to amend the Constitution of the State of North-Carolina,"

Mr. Wilson moved that a Chairman *pro tempore* be appointed.

The proposition was concurred in, and on motion of Mr. Edwards, Mr. Swain was unanimously appointed.

Mr. Seawell, after some time spent in the discussion of the question, moved that the meeting adjourn until to-morrow morning, 10 o'clock; which was decided in the negative.

Mr. Smith moved that the meeting now proceed to the organization of the Convention, by taking the Oath prescribed by law; which was decided in the affirmative. Yeas 86--Nays 22.

Those who voted in the affirmative were

Messrs. Morris, White, McMillan, Bower, Tayloe, Bonner, Outlaw Roulhac, Owen, Andres, Swain, Gudger, Barringer, Melchor, Lea, Graves Ramsay, (*Chatham*,) McQueen, Troy, Powell, (*Columbus*,) Gaston, (*Craven*,) Spaight, (*Craven*,) Toomer, McDiarmid, Marchant, Baxter, Hogan, Hargrave, Pearsall, Hussey, Ruffin, Williams, (*Franklin*,) Gilliam, Crudup, Morehead, Parker, Branch, Welch, Cathey, King, Young, Adams, Wilder, Huggins, Howard, Shipp, Cansler, Brittain, Guinn, Martin, Gaines, Kelly, Chalmers, Boddie, Gary, Smith, Montgomery, Ramsay, (*Pasquotank*,) Chambers, Williams, (*Person*,) Gray, Elliott, Dockery, Harrington, Brodnax, Lesueur, Fisher, Giles, Carson, Birchett, Meares, Faison, Moore, Shober, Franklin, Dobson, Seawell, Jones, (*Wake*,) Macon, Edwards,

Norcom, Sherard, Whitfield, Jones, (*Wilkes*,) Wellborn and Gaither—86 Yeas.

Those who voted in the negative were

Messrs. Hill, Hall, Rayner, Biggs, Williams, (*Pitt*,) Spruill, Styron, Wilson, Hodges, Arrington, Joiner, Halsey, Sugg, Speight, (*Greene*,) Gaston, (*Hyde*,) Marsteller, Powell, (*Robeson*,) Hooker, Pipkin, Cooper, Jaccocks and Bunting—22 Nays.

The members present then took and subscribed the Oath before J. Busbee, Esq. a Justice of the Peace of the county of Wake.

A quorum being present, on motion of Mr. Branch,

NATHANIEL MACON, a Delegate from the county of Warren, was unanimously chosen President of the Convention.

Mr. Macon was conducted to the Chair by Messrs. Branch and Owen, from which he made his acknowledgements to the Convention in an appropriate address.

On motion of Mr. Morehead,

Resolved, That Messrs. Swain, Seawell and Jones, (*Wake*,) be appointed a Committee to ascertain and report whether a more convenient place can be procured in or near the City of Raleigh, for the sittings of this Convention, than the room provided in the Government House.

Mr. Owen moved that the Convention proceed to the appointment of two Secretaries and a Clerk—and pending this question,

On motion, the Convention adjourned until to-morrow morning, 10 o'clock.



FRIDAY, JUNE 5, 1835.

The Convention met pursuant to adjournment.

The following Delegates appeared, produced their credentials, were qualified, and took their seats:

Carteret—James W. Bryan.

Camden—Willie McPherson, George Ferebee.

Onslow—David W. Saunders, John A. Averitt.

Pasquotank—John L. Bailey.

Perquimons—Jesse Wilson.

On motion, the Convention resumed the subject of appointing Secretaries and a Clerk, as the unfinished business of yesterday.

On motion of Mr. Fisher, the original motion was amended so as to read, “that the Convention proceed to appoint a Secretary and an Assistant Secretary.”

The motion, as amended, was agreed to.

Mr. Owen moved that William J. Cowan be appointed Secretary; and Mr. Fisher moved that Edmund B. Freeman be added to the nomination.

The Convention thereupon proceeded to ballot, under the superintendence of Messrs. Owen and Fisher, who, upon collecting and counting the ballot, reported that Edmund B. Freeman had received a majority of the whole number of votes, and was duly elected.

Mr. Marsteller nominated Joseph D. Ward for Assistant Secretary, and Mr. Wellborn moved that Thomas L. West be added to the nomination. A balloting was then had, under the superintendence of the same Tellers, who, upon counting the votes, reported that Joseph D. Ward was duly elected.

On motion of Mr. Wellborn, the Convention proceeded to the appointment of a Door-keeper and an Assistant Door-keeper; whereupon Green Hill and John Cooper were appointed.

On motion of Mr. Spaight, of Craven,

Resolved, That a Committee consisting of seven members be appointed by the President to draw up Rules for the government of the Convention.

Whereupon, the President appointed Messrs. Spaight, of Craven, Fisher, Branch, Speight, of Greene, Wellborn, Smith and Troy, to compose said Committee.

Mr. Giles presented the following Resolution:

Resolved, That the Convention proceed to the election of a Printer.

Mr. McDiarmid moved to amend the Resolution by striking out all after the word "Resolved," and inserting in lieu thereof the following:

"That the Public Printer of the State be employed to execute the printing necessary for the Convention at the same rates which the printing of the State is executed."

Mr. Smith moved to amend the amendment, by striking out all after the word "that" and inserting in lieu thereof the following:—"A Committee of three Delegates be appointed to contract with some suitable person for the printing required by this Convention."

And the question being had thereon, it was rejected.

The question was then taken on agreeing to the amendment proposed by Mr. McDiarmid, and determined in the negative.

Mr. Ramsay, of Chatham, moved to strike out all after the word "Resolved," in the original Resolution, and insert as follows:

"That this Convention proceed to elect a Printer to execute the printing of this Convention, during its session, and that he be allowed agreeably to the rule of charging which generally governs Printers."

This amendment was rejected; and thereupon the question recurred upon the adoption of Mr. Giles' Resolution, which was determined in the affirmative.

Mr. Wellborn nominated Gales & Son for Printers; and thereupon, a balloting was had, under the superintendence of Messrs. Spaight, of Craven, and Chambers, who reported that Gales & Son had received a majority of all the votes given in, and were duly elected. The report was concurred in.

On motion of Mr. Shober,

Resolved, That the Printers to the Convention furnish copies of the Acts of the General Assembly of 1834, relating to the call of a Convention: one copy for each Delegate.

On motion of Mr. King,

Resolved unanimously, That each day of the session of this Convention be opened by prayer to Almighty God for his blessing; and that all regular Preachers of the Gospel, of any denomination, who may be present during the session, be requested to take a seat within the bar of this House during prayer; one of whom shall be requested by the President to perform that service.

Mr. Morehead submitted the following Resolutions:

Resolved, That so much of the Act of the last Legislature, entitled "An Act concerning a Convention to amend the Constitution of the State," which has been ratified by the people of the State of North-Carolina, as provides for fixing the number of Senators, and for apportioning and arranging the Senatorial Districts, be referred to a Committee.

Resolved, That so much of the before recited Act, as provides for fixing the number of members in the House of Commons, and the ratio of Representation, be referred to a Committee.

Resolved, That so much of the before recited Act, as authorises the Convention to consider the propriety of biennial, instead of annual meetings of the General Assembly, be referred to a Committee.

Resolved, That so much of the before recited Act, as authorises the Convention to provide for the election of the Governor of the State, by the qualified voters for the members of the House of Commons, be referred to a Committee.

Mr. Harrington submitted the following Resolution:

Resolved, That a Committee of Delegates be appointed to frame, devise and report to this Convention, amendments to the Constitution, conformably to the provisions of the 13th section of the Act of Assembly, passed in 1835, which has been ratified by the people, so far as respects the Representation in the Senate and House of Commons; and the qualifications of the members and of the electors of members of each branch of the Legislature.

Mr. Jacocks submitted the following:

Resolved, That a Committee be appointed, composed of members from each of the Judicial Districts of the State, to be nominated after consultation, by a majority of the Delegates from their respective Districts; whose duty it shall be to report to this Convention, at as early a day as may be possible, the votes taken in each county in the State at the opening of the polls, on the 1st and 2d of April last, upon the Convention question.

The number of white persons in each county, agreeably to the last enumeration by the United States.

The number of slaves and persons of color also.

The "Federal population" of each county, according to said enumeration.

The number of white polls, black polls, and free persons of colour, also,

in each county, agreeably to the last returns to the Comptroller's office.

And the amount of taxes from every source, separately designated, paid into the Treasury of the State, agreeably to the last returns.

That the said Committee may sit during the business hours of this Convention, and may send for persons and papers.

Mr. Edwards submitted the following:

Resolved, That a Committee of _____ members be appointed to consider and report the manner in which it will be expedient to take up the business of this Convention.

These Resolutions were severally read and ordered to lie on the table; and on motion of Mr. Speight, of Greene, ordered to be printed.

On motion of Mr. Wellborn,

Resolved, That the President be requested to assign seats to such Reporters as may wish to take down the proceedings of this Convention.

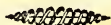
Mr. Giles introduced the following Resolution, which was read and ordered to lie on the table:

Resolved, That a Committee of three be appointed to prepare and cause to be printed for the use of the Convention, the Census of this State for 1820 and 1830, with a Tabular Statement of the Public Taxes, white and black polls, also, the federal numbers of the counties of this State, to be compiled from the Revenue Lists of 1831, 1832 and 1833.

Mr. Swain, from the Committee appointed to ascertain whether a more convenient place could be procured for the sittings of this Convention, reported that the proper Officers of the Methodist and Presbyterian Churches had each tendered the use of their buildings.

And thereupon, Mr. Swain moved that when the Convention adjourns, it adjourn to meet to-morrow at 12 o'clock, in the Presbyterian Church; which was agreed to.

On motion, the Convention adjourned.



SATURDAY, JUNE 6, 1835.

The Convention met pursuant to adjournment.

The following Delegates appeared, produced their credentials, were qualified, and took their seats:

Halifax—Joseph J. Daniel.

Northampton—Samuel Calvert.

Gates—Riddick Gatling, Whitmel Stallings.

Lenoir—James Cox.

Mecklenburg—James M. Hutcheson, Isaac Grier.

Fancy—Abner Jervis, Bacchus J. Smith.

Mr. McQueen submitted the following Resolution, which lies on the table:

Resolved, That a Committee of two Delegates, to be chosen from each Congressional District in the State, be appointed by the Chair, to consider so much of the thirteenth clause of the act passed at the last session of the General Assembly, amendatory of the Constitution, as relates to the subject of Representation, and that they report to the Convention.

Mr. Shober submitted the following Resolution, which lies on the table:

Resolved, That as far as regards representation in the Senate, it be referred to a Committee to consist of two members from each Congressional District in the State. That as far as regards representation in the House of Commons, it be referred to a Committee to consist of two members from each Congressional District in the State. That the other points laid down in the Convention Act, as adopted by the people, be taken up in Committee of the Whole, and be there considered article by article.

Mr. King introduced the following Resolution, which lies on the table:

Resolved, That as many copies of Journals of the proceedings of the Convention that ratified the Constitution of the United States, or those copies of Journals of the Convention of the State of North-Carolina that ratified our present Constitution, or the Convention Journals of any State in our Union, that may be within the knowledge of any member, be tendered for the information of this Convention, and to be disposed of hereafter as may be directed.

On motion of Mr. Edwards, the Convention took up for consideration the following Resolution:

Resolved, That a Committee of members be appointed to consider and report the manner in which it will be expedient to take up the business of this Convention.

On motion of Mr. Swain, the blank was filled with "thirteen;" and the Resolution was adopted.

Whereupon, the President appointed as the Committee, Messrs. Bailey, Branch, Williams, of Pitt, Gaston, of Craven, Meares, Edwards, Toomer, Smith, of Orange, Morehead, Fisher, Barringer, Swain and Franklin.

On motion of Mr. Morehead, the Convention took up for consideration, the Resolutions introduced by him on yesterday.

On motion of Mr. Daniel,

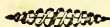
Ordered, that the Resolutions lie upon the table.

On motion of Mr. Giles, the Convention took up for consideration and adopted the following Resolution:

Resolved, That a Committee of three be appointed to prepare and cause to be printed for the use of the Convention, the Census of this State for 1820 and 1830, with a Tabular Statement of the Public Taxes, white and black polls, also, the federal numbers of the counties of this State, to be compiled from the Revenue Lists of 1831, 1832 and 1833; and that the Printer furnish each member of this House with a copy of the Constitution of this State.

Messrs. Giles, Smith, of Orange, and Jacocks form the Committee.

On motion, the Convention adjourned until Monday morning, 10 o'clock.



MONDAY, JUNE 8, 1835.

The Convention met pursuant to adjournment. Prayer by the Rev. Dr. McPheeters, of the Presbyterian Church.

The following Delegates appeared, produced their credentials, were qualified, and took their seats:

Chowan—Joseph B. Skinner and Samuel T. Sawyer.

Washington—Josiah Collins, jun.

New-Hanover—Owen Holmes.

Mr. Spaight, of Craven, from the Committee heretofore appointed to prepare Rules of Order for the government of the Convention, reported the following, to-wit :

1. When the President takes the Chair, each member shall take his seat, and on the appearance of a quorum, the Journal of the preceding day shall be read.

2. When any member is about to speak in debate, or deliver any matter to the Convention, he shall rise from his seat and respectfully address himself to the President, and shall confine himself to the question under debate, and avoid personality. And when two or more members happen to rise at once, the President shall name the one who is first to speak. No member shall speak oftener than twice on the same question, without leave of the Convention. And when any member is speaking, he shall not be interrupted by any person, either by speaking, or by standing, or passing between him and the Chair.

3. If any member, in speaking, or otherwise, transgress the rules of the Convention, the President shall, or any member may call to order; in which case, the member so called to order shall immediately sit down, unless permitted to explain; and the Convention shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the Convention.

4. If any member be called to order for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge of the matter.

5. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, or to amend; which several mo-

tions shall have precedence in the order they stand arranged, and the motion for adjournment shall always be in order.

6. Whenever a question shall be divisible, upon motion, the same shall be divided; and the question shall be put upon the several parts into which it is divided, according to the order in which they arise, unless the decision of the one shall preclude the other.

7. The President shall state the question sitting, but shall put the same standing. Questions shall be distinctly put in this form:—"As many as are of opinion that (as the case may be) say *aye*; and after the affirmative voice is expressed—"As many as are of a contrary opinion, say *no*." If the President doubt as to the voice of the majority, or a division of the question be called for, the President shall call on those in the affirmative of the question to rise from their seats, and afterwards those in the negative. If the President still doubt, or a count be required, the President shall name two members, one from each side, to tell the number in the affirmative; which being reported, he shall then name two others, one on each side, to tell those in the negative; which being also reported, he shall state the division to the Convention, and announce its decision. No member who was without the bar of the Convention when any question was put from the Chair, shall enter his *yea* or *nay* without leave, unless he shall have been absent on some Committee or business of the Convention, by leave of the same.

8. The Yeas and Nays of the Members of the Convention, on any question, shall, at the desire of one-fifth of those present, be taken and entered on the Journal of the Convention.

9. When any member shall make a motion which is not one of course, he shall reduce the same to writing, if required.

10. In all cases, whether by ballot or otherwise, the President shall be entitled to a vote; and when the votes, affirmative and negative, upon any question, shall be equal, the question shall be lost.

11. When a question has been once decided, it shall be in order for any member in the majority to move for a reconsideration thereof, on the same or succeeding day.

12. After a proposition or ordinance has been once rejected or postponed indefinitely, another of like provisions shall not be introduced during the session of this Convention.

13. Every proposition to amend the Constitution of the State or ordinance proposed, shall be read three several times, and passe three several readings, which readings shall be on three several days before it shall become the act or ordinance of the Convention. The first reading shall be for information only, and the proposition or proposed ordinance shall not then be open to amendment or debate and no question shall be put on that reading, but the same shall, after being read, be declared by the President to have passed its first reading. Upon the second and third readings, the proposition or proposed ordinance shall be open to amendment and debate.

14. The President shall designate the members who shall compose all Committees, except when otherwise ordered; and the Committees of this Convention shall consist of five members, unless the Convention shall otherwise determine.

15. When the Convention resolves itself into a Committee of the Whole, the President shall leave the Chair and appoint a Chairman; and when at any time the President shall wish or be disposed to leave the Chair, he shall have power to appoint a President *pro tem*.

16. In case of any disturbance or disorderly conduct in the Gallery or Lobby, the President or Chairman of the Committee of the Whole Convention, shall have power to have the same cleared.

17. No person shall come upon the floor where the Convention holds its sessions, during the session of the same, except Ministers of the Gospel who have been invited by the Convention; but the Galleries are declared open for the accomodation of all persons.

18. Any member dissatisfied with the decision of the President, on any question of order, may appeal to the Convention.

19. When the Convention adjourns, the members shall keep their seats until the President leaves the Chair.

20. Motions for adjournment, and to lie on the table, shall be decided without debate.

21. All cases which may arise, not embraced within the foregoing Rules, shall be determined according to the Parliamentary usages, as laid down by JEFFERSON, in his MANUAL.

22. The Rules for the government of the Convention shall not be amended or altered, without giving at least one day's notice of such amendment or alteration, except by the consent of two thirds of the members present.

The foregoing Rules were read and adopted; and on motion of Mr. Speight, of Greene, ordered that two hundred copies be printed for the use of the Convention.

On motion of Mr. Morehead,

Ordered, That the regular hour to which this Convention shall stand adjourned, be 10 o'clock, A. M. unless otherwise ordered.

Mr. Gaston, of Craven, from the Committee of Thirteen, made the following Report:

The Committee who were appointed by the Convention to consider and report the manner in which it will be expedient to take up the business of the Convention, respectfully report:

It appears to your Committee that the business of the Convention will be most conveniently brought before the Convention by their proceeding to consider and act upon the following Resolutions, which we therefore reported simply as presenting a plan of operations, and not as indicating an opinion on the merits of the Resolutions:—

1. *Resolved*, That so much of the Act, entitled "An Act concerning a Convention to amend the Constitution of the State," which Act has been ratified by the people, as directs amendments to be made to the Constitution of this State, so as to reduce the number of the members of the Senate to not less than thirty-four, nor more than fifty, to be elected by districts, to be laid off at convenient and prescribed periods by counties in proportion to the public taxes paid into the Treasury of the State by the citizens thereof; also, so much of said Act as directs an amendment to be made to the said Constitution, whereby to reduce the number of members in the House of Commons to not less than ninety, nor more than one hundred and twenty, exclusive of Borough Members, to be apportioned according to federal population; and also so much thereof as relates to the residence and qualification of persons voting for a Senator and of persons eligible to the Senate, be referred to a Committee of 13 members, one of whom shall be selected from each of the Congressional Districts of this State, with instructions to frame and report the amendments as by said Act required.

2. *Resolved*, That so much of the said Act as directs a mode to be prescribed for the ratification of such amendments as may be recommended by the Convention; also, so much thereof as directs necessary ordinances and regulations to be prescribed for the purpose of giving operation and effect to the Constitution as altered and amended; and also so much thereof as directs that the Convention shall provide in what manner amendments shall in future be made to the said Constitution; be referred to a Committee of thirteen members, to be selected as in the foregoing Resolution, with instructions to frame and report the necessary provisions for the purpose of carrying the said directions into execution.

3. *Resolved*, That a Committee be appointed to enquire and report whether any, and if any, what amendments are proper to be made to the Constitution of this State, as to the exclusion in whole, or in part, of Borough Members from the House of Commons.

4. *Resolved*, That a Committee be appointed to enquire and report whether any, and if any, what amendments are proper to be made to the said Constitution, as to the abrogation or restriction of the right of free negroes or mulattoes to vote for members of the Senate or House of Commons.

5. *Resolved*, That a Committee be appointed to enquire and report whether any, and if any, what amendments are proper to be made to the said Constitution, to disqualify members of the Assembly, and officers of the State, or those who hold places of trust under the authority of this State, from being or continuing such while they hold any other office or appointment under the government of this State, or the United States, or any other Government.

6. *Resolved*, That a Committee be appointed to enquire and report whether any, and if any, what amendments should be made to the said Constitution, so as to make the capitation tax on slaves and free white polls equal.

7. *Resolved*, That a Committee be appointed to enquire and report whether any, and if any, what amendments be necessary in the mode of appointing and removing from office Militia Officers and Justices of the Peace.

8. *Resolved*, That a Committee be appointed to enquire and report whether any, and if any, what amendments be proper to compel members of the General Assembly to vote *viva voce*, in the election of officers.

9. *Resolved*, That a Committee be appointed to enquire and report whe-

ther any, and if any, what amendments be proper to be made in the 32d Article of the Constitution.

10. *Resolved*, That a Committee be appointed to enquire and report whether any, and if any, what amendments be proper to be made in the Constitution for supplying vacancies in the General Assembly, occurring before the meeting of the General Assembly.

11. *Resolved*, That a Committee be appointed to enquire and report whether any, and if any, what amendments be proper to provide for biennial instead of annual meetings of the General Assembly, and for the biennial instead of tri-annual election of Secretary of State.

12. *Resolved*, That a Committee be appointed to enquire and report whether any, and if any, what amendments, be proper to provide for the election of Governor by the qualified voters for members of the House of Commons, and prescribing the term for which he may be elected, and the number of terms during which he shall be eligible.

13. *Resolved*, That a Committee be appointed to enquire and report whether any, and if any, what amendments may be proper, providing that the Attorney General shall be elected for a term of years.

14. *Resolved*, That a Committee be appointed to enquire and report whether any, and if any, what amendments should be made providing a tribunal whereby Judges of the Supreme and Superior Courts and other Officers of the State, may be impeached and tried for corruption and mal-practices in office.

15. *Resolved*, That a Committee be appointed to enquire and report whether any, and if any, what amendments should be made vacating the office of a Justice of the Peace, and disqualifying him from holding such appointment upon conviction of an infamous crime, or of corruption and mal-practice in office.

16. *Resolved*, That a Committee be appointed to enquire and report whether any, and if any, what amendments should be made, providing for the removal of any of the Judges of the Supreme or Superior Courts for mental or physical inability, upon a concurrent Resolution of two-thirds of both branches of the Legislature.

17. *Resolved*, That a Committee be appointed to enquire and report whether any, and if any, what amendments should be made, providing that the salaries of the Judges shall not be diminished during their continuance in office.

18. *Resolved*, That a Committee be appointed to enquire and report whether any amendments ought to be made, and if so, what amendments are proper, to provide against unnecessary private legislation.

19. *Resolved*, That a Committee be appointed to enquire and report whether it be proper to make any amendment, and if so, what amendment, so as to provide that no Judge of the Supreme Court shall be eligible to any office, nor any Judge of the Superior Court to any other office than that of Judge of the Supreme Court, while retaining his judicial appointment.

On motion of Mr. Dockery,

Ordered, That the said Report be printed.

On motion of Mr. Swain, the Committee took up for consideration the 1st and 2d Resolutions.

Mr. Wilson, of Perquimons, moved to amend the 1st Resolution

by striking out the words "thirteen members, one of whom shall be selected from each of the Congressional Districts," and inserting the words "twelve members, two of whom shall be selected from each Judicial District.

The question thereon was decided in the negative. Yeas 51—Nays 75.

The Yeas and Nays were ordered by one fifth of the members present, on the call of Mr. Wilson, of Perquimons.

Those who voted in the affirmative were

Messrs. Outlaw, Roulhac, Hill, Hall, McPherson, Ferebee, Bryan, Sawyer, Skinner, Baxter, Pearsall, Hussey. Wilson (*Edgecomb*) Sugg, Ruffin, Gatling, Stallings, Branch, Daniel, Pipkin, Rayner, Hodges, Gaston (*Hyde*,) Adams, Wilder, Huggins, Howard, Cooper, Biggs, Arrington, Holmes, Marsteller, Calvert, Gary, Averitt, Sanders, Bailey, Ramsay, (*Pasquotank*,) Wilson (*Perquimons*,) Jacocks, Powell (*Robeson*,) Faison, Spruill, Halsey, Jones (*Wake*,) Seawell, Edwards, Collins, Norcom, Sheppard, and Whitfield—51 Yeas.

Those who voted in the negative were

Messrs. Morris, Bower, Owen, Gudger, Melchor, Graves, Troy, Gaston (*Craven*,) Hogan, Gilliam, Hooker, Welch, Young, Cansler, Hutcheson, Gaines, Boddie, Chambers, Gray, Harrington, Lesueur, Carson, Moore, Dobson, Wellborn, White, Tayloe, Andres, Gaither, Styron, Ramsay, (*Chatham*,) Powell, (*Columbus*,) McDiarmid, Hargrave, Crudup, Morehead, Cathey, Cox, Brittain, Grier, Kelly, Montgomery, Williams, (*Person*) Elliott, Bunting, Giles, Birchett, Shober, Macon, Smith, (*Yancey*,) McMillan, Bonner, Swain, Barringer, Lea, McQueen, Spaight, (*Craven*) Toomer, Williams (*Franklin*,) Speight, (*Greene*,) Parker, King, Shipp, Guinn, Martin, Chalmers, Smith (*Orange*,) Williams (*Pitt*,) Dockery, Brodnax, Fisher, Meares, Franklin, Jones, (*Wilkes*,) Jervis—75 Nays.

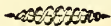
On motion of Mr. Shober, the said Resolution was amended by striking out the numbers "thirteen" and "one," and inserting "twenty-six" and "two;" and the Resolution was adopted.

Messrs. Bailey, Wilson, of Perquimons, Daniel, Outlaw, Halsey, Collins, Spaight, of Craven, Speight, of Greene, Holmes, Owen, Crudup, Williams, of Franklin, Toomer, Kelly, Smith, of Orange, Jones, of Wake, Gray, Barringer, Hutcheson, Swain, Carson, King Bower, Morehead, Brodnax and Fisher compose the Committee.

On motion of Mr. Smith, of Orange,

Ordered, That the 2d Resolution lie on the table.

And on motion, the Convention adjourned.



TUESDAY, JUNE 9, 1835.

The Convention met pursuant to adjournment. Prayer by the Rev. Mr. Jamieson, of the Methodist Episcopal Church.

Mr. Jacocks moved that the Convention do now take up for consideration the Resolution introduced by him on Friday; which being agreed to, he submitted the following as a substitute:

Resolved, That the Committee instituted to prepare statistical statements for the use of this Convention, cause to be attached thereto the number of votes taken in each county of the State upon the Convention question, on the 1st and 2d of April last.

On motion of Mr. Wilson, of Perquimons, the Resolution was amended by adding thereto, "and that said Committee enquire and report the number of free white men in each county in the State, of twenty years and upwards."

On motion of Mr. Gaither, the Resolution was amended by adding thereto, "also the vote for and against a Convention, which was given at the August Elections of 1833."

And on motion of Mr. Swain, the Resolution was further amended by striking out so much of the Resolution as proposes to refer the several subjects to a Committee heretofore raised, and insert in lieu thereof, "that a Committee of three be appointed to report."

The Resolution was read as amended; and on the question that it be adopted, it was determined in the affirmative.

The President then appointed Messrs. Jacocks, Gaither, and Jones of Wake, to compose the Committee.

Mr. King moved that the Convention take up the Resolution introduced by him on Saturday, upon the subject of collecting copies of the Journals of the several Conventions therein named, for the use of this Convention; which was not agreed to.

On motion of Mr. Smith, of Orange, the Convention took up for consideration the 2d Resolution contained in the Report made by Mr. Gaston, of Craven, on yesterday.

Mr. Wilson, of Perquimons, moved to amend the Resolution by striking out the words "thirteen members, to be selected as in the foregoing Resolution," and to insert in lieu thereof "twelve members, two of whom shall be selected from each Judicial District."

Mr. McQueen called for a division of the question.

And the question being on striking out, it was decided in the negative. Yeas 61—Nays 65.

The Yeas and Nays were ordered on the call of Mr. Jacocks.

Those who voted in the affirmative were

Messrs. Adams, Arrington, Averitt, Bonner, Bryan, Baxter, Branch, Biggs, Bailey, Bunting, Brodnax, Cooper, Calvert, Collins, Daniel, Edwards, Ferebee, Faison, Gatling, Gaston (*Hyde*,) Gary, Hall, Hill, Hussey, Hodges, Huggins, Howard, Halsey, Holmes, Jones (*Wake*,) Joiner, Jacocks, McPherson, Marsteller, Meares, Norcom, Outlaw, Powell (*Columbus*,) Powell (*Robeson*,) Pearsall, Pipkin, Ruffin, Rayner, Ramsay (*Perquimons*,) Roulhac, Styron, Sawyer, Skinner, Sugg, Stallings, Sanders, Seawell, Sherard, Spruill, Tayloe, Troy, Wilson (*Edgecomb*,) Williams (*Franklin*,) Wilson (*Perquimons*,) Whitfield, Wilder—61 Yeas.

Those who voted in the negative were

Messrs. Andres, Bower, Barringer, Brittain, Birchett, Boddie, Crudup, Cathey, Cox, Cansler, Chalmers, Chambers, Carson, Dockery, Dobson, Elliott, Fisher, Franklin, Gaither, Graves, Gaston (*Craven*,) Gilliam, Guinn, Grier, Gray, Gaines, Giles, Gudger, Hogan, Hargrave, Hutcheson, Harrington, Jervis, Jones (*Wilkes*,) King, Kelly, Lea, Lesueur, Macon, McQueen, Morris, McMillan, Melchor, McDiarmid, Morehead, Martin, Montgomery, Moore, Owen, Parker, Ramsay (*Chatham*,) Swain, Spaight (*Craven*,) Speight (*Greene*,) Shipp, Smith (*Orange*,) Smith, (*Yancy*,) Shober, Toomer, White, Welch, Williams (*Person*,) Williams (*Pitt*,) Wellborn, and Young—65 Nays.

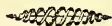
On motion of Mr. Gaston, of Craven, the Resolution was amended by inserting after the word "members," the words "one of whom shall be selected from each of the Congressional Districts of this State."

And on the question that the Resolution be adopted, it was determined in the affirmative.

Messrs. Skinner, Branch, Wilson, of Edgecomb, Bryan, Meares, Gilliam, Toomer, Montgomery, Shober, Giles, Shipp, Birchett, and Dobson, were appointed to compose the Committee.

On motion of Mr. Gaston, of Craven, the other Resolutions reported by him were severally referred to Committees of the Whole Convention.

And on motion, the Convention adjourned.



WEDNESDAY, JUNE 10, 1835.

The Convention met pursuant to adjournment. Prayer by the Rev. Dr. McPheeters, of the Presbyterian Church.

Mr. Council Wooten, one of the Delegates elect from the county of Lenoir, appeared, produced his credentials, was qualified and took his seat.

Mr. Jacocks, from the Committee appointed to report the number of votes given on the 1st and 2d of April last, and at the August Elections in 1833, in each county in the State, upon the proposition to call a Convention, and also the number of white male persons in each county of twenty years and upwards, agreeably to the Census of 1830, reported,

That from the returns to the Governor, it appears that at the Elections in August, 1833, there were twenty-nine thousand, five hundred and five votes given in favor of a Convention, in thirty counties of the State—the other counties making no returns, and it is believed they did not vote.

The number of votes taken on the 1st and 2d of April last, agreeably to returns also made to the Governor, are forty-nine thousand, two hundred and forty-four, of which twenty-seven thousand, five hundred and fifty were

"*For Convention*"—and twenty-one thousand, six hundred and ninety-four
 "Against Convention." Majority for Convention, five thousand, eight hundred and fifty-six.

From the Census of 1830, it appears that there were in the State, at that time, ninety-seven thousand, six hundred and thirty-three male white persons, of twenty years of age and upwards.

The Report was read, and on motion of Mr. Edwards, ordered to be printed with the tabular statements accompanying the same; and on motion of Mr. Jacocks, ordered that two additional copies be printed for each member.

Mr. Lesueur submitted the following Resolution:

Resolved, That the Committee to whom was referred so much of the Act entitled "An Act concerning a Convention to amend the Constitution of the State," which Act has been ratified by the people, as relates to fixing the representation, be instructed (by calculation) to ascertain and report the number of Representatives in the House of Commons, and the number of Senators, within the limits prescribed by said Act, which will give to each county, or portion of the State, nearest its fair and equal number of members in both Houses of the General Assembly of the State, upon the basis laid down in the said Act.

Mr. Smith, of Orange, moved that the Convention resolve itself into a Committee of the Whole, and take up the 11th Resolution in the Report, which was heretofore referred to that Committee.

And on the question that the Convention go into Committee of the Whole on the 11th Resolution, it was determined in the negative.

The Convention, on motion of Mr. Speight, of Greene, resolved itself into a Committee of the Whole, Mr. Swain in the Chair, on the 3d Resolution in the Report, proposing that a Committee be appointed to enquire what amendments, if any, are proper to be made to the Constitution of this State, as to the exclusion in whole or in part of Borough Members from the House of Commons.

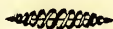
After some time spent therein, the President resumed the Chair, and Mr. Swain reported that the Committee had, according to order, had the said Resolution under consideration, and made progress therein; but not having gone through the same, had instructed him to move for leave to sit again.

And on the question that the Committee of the Whole Convention have leave to sit again, it was determined in the affirmative.

On motion of Mr. Smith, of Orange,

Resolved, That the regular hour to which this Convention shall stand adjourned be 9 o'clock, A.M. until otherwise ordered.

And on motion, the Convention adjourned.



THURSDAY, JUNE 11, 1835.

The Convention met pursuant to adjournment. Prayer by the Rev. Mr. Jamieson, of the Methodist Episcopal Church.

On motion of Mr. Edwards,

Resolved, That whenever the Convention shall order any paper or document to be printed, there shall be one hundred and fifty copies, unless when otherwise directed.

The Convention, on motion of Mr. Edwards, again resolved itself into a Committee of the Whole, Mr. Daniel in the Chair, on the 3d Resolution, proposing that a Committee be appointed to enquire what amendments, if any, are proper to be made to the Constitution of this State, as to the exclusion in whole or in part of Borough Members from the House of Commons. And after some time spent therein, the President resumed the Chair, and Mr. Daniel reported that the Committee had, according to order, again had the said Resolution under consideration and made no amendment thereto.

The Convention proceeded to consider the said Resolution; whereupon Mr. Smith, of Orange, moved to amend the Resolution by striking out all after the word "Resolved," and inserting in lieu thereof as follows:

"That it is expedient to abolish Borough Representation *entirely*."

Mr. Gaston, of Hyde, moved to amend the amendment by striking out the word "entirely," and inserting in lieu thereof the words "except the towns of Edenton, Newbern and Wilmington."

On this question the Yeas and Nays were required by one-fifth of the members present, on the call of Mr. Gaston, of Hyde.

Those who voted in the affirmative were

Messrs. Bryan, Baxter, Bailey, Cox, Collins, Gaston (*Craven*,) Gaston (*Hyde*,) Gary, Hill, Hooker, Huggins, Halsey, Joiner, Norcom, Owen, Ramsay (*Pasquotank*,) Skinner, Spaight (*Craven*,) Sanders, Spruill, Toomer, Williams (*Pitt*,) Young—23 Yeas.

Those who voted in the negative were

Messrs. Andres, Averitt, Arrington, Adams, Bower, Bonner, Barringer, Branch, Brittain, Biggs, Bunting, Birchett, Brodnax, Boddie, Crudup, Catey, Cansler, Cooper, Chalmers, Calvert, Chambers, Carson, Daniel, Dockery, Dobson, Elliot, Edwards, Ferebee, Fisher, Faison, Franklin, Gatling, Gaither, Graves, Gilliam, Guinn, Grier, Gaines, Gray, Gudger, Hall, Hogan, Hargrave, Hussey, Hodges, Howard, Hutcheson, Harrington, Holmes, Jones (*Wake*,) Jones (*Wilkes*,) Jervis, Jacocks, King, Kelly, Lea, Lesueur, Macon, McQueen, Morris, McMillan, Melchor, McPherson, McDiamid, Marchant, Morehead, Martin, Marsteller, Montgomery, Meares, Moore, Outlaw, Powell (*Columbus*,) Powell (*Robeson*,) Pearsall, Parker, Pipkin, Ruffin, Ramsay (*Chatham*,) Rayner, Swain, Styron, Sawyer, Sugg, Stallings, Speight (*Greene*,) Shipp, Smith (*Orange*,) Smith (*Fancy*,) Seawell, Sherard, Shober, Tayloe, Troy, White, Wilson (*Edgecomb*,) Wilson (*Perquimons*,) Williams (*Franklin*,) Williams (*Persson*,) Welch, Whitfield, Wellborn, Wilder, and Wooten—104 Nays.

So the Convention refused to amend the amendment. Yeas 23—Nays 104.

The question now recurring on the amendment submitted by Mr.

Smith, of Orange, Mr. Morehead called for a division of the question.

And the question being to strike out all of the said Resolution after the word "Resolved," it was decided in the negative. Yeas 61—Nays 67.

The Yeas and Nays were required by one-fifth of the members present, on the call of Mr. Smith, of Orange.

Those who voted in the affirmative were

Messrs. Averitt, Arrington, Adams, Bonner, Baxter, Biggs, Birchett, Boddie, Cathey, Cooper, Edwards, Faison, Gatling, Gaither, Graves, Gaston (*Hyde*,) Guinn, Grier, Hall, Hargrave, Hussey, Hodges, Howard, Hutcheson, Harrington, Holmes, Jones (*Wake*,) Jervis, Jacocks, Kelly, Lea, Macon, Morris, McPherson, Marsteller, Montgomery, Powell (*Columbus*,) Pearsall, Parker, Pipkin, Ramsay (*Chatham*,) Rayner, Styron, Sawyer, Sugg, Stallings, Speight (*Greene*,) Sanders, Smith (*Orange*,) Smith (*Yancy*,) Seawell, Sherrard, Spruill, Tayloe, Wilson (*Edgecomb*,) Wilson (*Perquimons*,) Williams (*Franklin*,) Williams (*Person*,) Williams (*Pitt*,) Whitfield, and Wilder—61 Yeas.

Those who voted in the negative were

Messrs. Andres, Bower, Barringer, Bryan, Branch, Brittain, Bailey, Bunting, Brodnax, Crudup, Cox, Cansler, Chalmers, Calvert, Chambers, Carson, Collins, Daniel, Dockery, Dobson, Elliott, Ferebee, Fisher, Franklin, Gaston (*Craven*,) Gilliam, Gaines, Gary, Gray, Gudger, Hill, Hogan, Hooker, Huggins, Halsey, Jones (*Wilkes*,) Joiner, King, Lesueur, McQueen, McMillan, Melchor, McDiarmid, Marchant, Morehead, Martin, Meares, Moore, Norcom, Outlaw, Owen, Powell (*Robeson*,) Ruffin, Ramsay (*Pasquotank*,) Roulhac, Swain, Skinner, Spaight (*Craven*,) Shipp, Shober, Troy, Toomer, White, Welch, Wooten, Wellborn, and Young—67 Nays.

And the question on the adoption of the 3d Resolution was decided in the affirmative.

On motion of Mr. Hogan, the Resolution was referred to the same Committee to whom was referred the first Resolution contained in the Report made by Mr. Gaston, of Craven.

On motion of Mr. Meares,

Ordered, That the document containing the Census of this State for 1820 & 1830, with a Tabular Statement of the public taxes, white and black polls, and federal numbers of the counties of this State, compiled from the Revenue Lists of 1831, 1832 and 1833, printed under the superintendence of a Committee heretofore raised for that purpose, be re-committed to the same Committee, with instructions to cause to be inserted in the Statement to be re-printed the public taxes as contained in the Revenue Lists of 1829 and 1830.

On motion of Mr. Jacocks, Mr. Meares was added to the Committee.

Mr. Toomer was, on his motion, excused from serving on the Committee raised upon the 2d Resolution in the Report; and Mr. Harrington was appointed in his stead.

And on motion, the Convention adjourned.

FRIDAY, JUNE 12, 1835.

The Convention met, pursuant to adjournment. Prayer by the Rev. Dr. McPheeters.

Mr. Swain, from the Committee to whom the subject had been referred, reported the following Articles prescribing the manner in which the Senate and House of Commons shall be constituted:

That the Senate shall be composed of fifty Representatives, chosen by ballot, and to be elected by districts, which districts shall be laid off by the General Assembly, at its first session after the year eighteen hundred and forty-one, and every ten years thereafter, in proportion to the public taxes paid into the Treasury of the State, by the citizens thereof; Provided, that no county shall be divided in the formation of a Senatorial district. And when there are one or more counties having an excess of taxation above the ratio to form a Senatorial district, adjoining a county or counties deficient in such ratio, the excess or excesses aforesaid shall be added to the taxation of the county or counties deficient; and if with such addition, the county or counties receiving it shall have the requisite ratio, such county and counties shall each constitute a Senatorial district.

That the House of Commons shall be composed of one hundred and twenty Representatives, chosen by ballot, to be elected by counties or districts, or both, according to their Federal population, that is, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons, and each county shall have at least one member in the House of Commons, although it may not contain the requisite ratio of population. The apportionment to be made by the General Assembly, at its first session after the year eighteen hundred and forty-one, and every ten years thereafter; which apportionment shall be made according to an enumeration to be ordered by the General Assembly, or according to the Census which may be taken by order of Congress, next preceding the period of making such apportionment.

The Articles were read the first time, passed, and on motion of Mr. Swain, ordered that two hundred copies be printed.

The Convention, on the motion of Mr. Daniel, according to the order of the day, resolved itself into a Committee of the Whole, Mr. Gaston, of Craven, in the Chair, on the 4th Resolution, proposing that a Committee be appointed to enquire and report whether any, and if any, what amendments are proper to be made to the Constitution as to the abrogation or restriction of the right of free negroes or mulattoes to vote for members of the Senate or House of Commons: And after some time spent therein, the President resumed the Chair, and Mr. Gaston reported that the Committee had, according to order, had the said Resolution under consideration and made an amendment thereto.

And on motion the Convention adjourned.

SATURDAY, JUNE 13, 1835.

The Convention met, pursuant to adjournment. Prayer by the Rev. Mr. Jamieson.

On motion of Mr. Shober, the Convention proceeded to consider the amendment reported from the Committee of the Whole, to whom was referred the 4th Resolution, proposing that a Committee be appointed to enquire whether any, and if any, what amendments are proper to be made to the Constitution as to the abrogation or restriction of the right of free negroes or mulattoes to vote for members of the Senate or House of Commons: which amendment is to strike out all of the said Resolution after the word "Resolved," and insert in lieu thereof, "that free negroes and mulattoes within four degrees inclusive, be deprived of the privilege of voting for members of the Senate and House of Commons in this State."

Mr. Morehead moved to amend the amendment by striking out all after the word "that," and inserting "all free negroes and mulattoes, within the fourth degree, shall be excluded from voting for members of the Senate. That all free negroes and mulattoes of the age of twenty-one years, who have been inhabitants of any one county within the State twelve months immediately preceding the day of election, and possessed of a freehold within the same county of the value of dollars, for six months next before and at the day of election, and shall not have been convicted of any infamous crime or offence, shall be entitled to vote for members of the House of Commons."

Mr. Gaston, of Craven, called for a division of the question.

And the question being to strike out all of the said amendment reported by the said Committee of the Whole, after the word "that," it was determined in the negative. Yeas 62—Nays 65.

The Yeas and Nays were required by one-fifth of the members present, on the call of Mr. Gilliam.

Those who voted in the affirmative were

Messrs. Andres, Arrington, Bower, Branch, Biggs, Bunting, Birchett, Cathey, Cansler, Chalmers, Chambers, Carson, Daniel, Dockery, Dobson, Elliott, Ferebee, Fisher, Franklin, Graves, Gaston (*Craven*), Gaston (*Hyde*), Guinn, Grier, Gaines, Gray, Giles, Gudger, Hall, Holmes, Jones (*Wake*), Jones (*Wilkes*), Joiner, King, Kelly, Morris, McMillan, McPherson, McDiarmid, Morehead, Martin, Marsteller, Montgomery, Moore, Owen, Powell (*Columbus*), Powell (*Robeson*), Parker, Rayner, Swain, Shipp, Smith (*Orange*), Smith (*Yancy*), Seawell, Sherard, Shober, Troy, Toomer, White, Williams (*Pitt*), Whitfield, and Wellborn—62 Yeas.

Those who voted in the negative were

Messrs. Averitt, Adams, Bonner, Barringer, Bryan, Baxter, Brittain, Bailey, Brodnax, Boddie, Crudup, Cox, Cooper, Calvert, Collins, Edwards, Faison, Gatling, Gaither, Gilliam, Gary, Hogan, Hargrave, Hussey, Hooker, Hodges, Huggins, Howard, Hutcheson, Harrington, Halsey,

Jervis, Jacocks, Lea, Lesueur, Macon, McQueen, Melchor, Marchant, Meares, Norcom, Outlaw, Pearsall, Pipkin, Ruffin, Ramsay (*Pasquotank*), Roulhac, Styron, Sawyer, Skinner, Spaight (*Craven*), Speight (*Greene*), Sugg, Stallings, Sanders, Spruill, Tayloe, Wilson (*Edgecomb*), Wilson (*Perquimons*), Welch, Wooten, Williams (*Franklin*), Williams (*Person*), Wilder, and Young—65 Nays.

The question now recurring on the amendment reported by the Committee of the Whole, it was agreed to. Yeas 66—Nays 61.

The Yeas and Nays were required by one-fifth of the members present, on the call of Mr. Gilliam.

Those who voted in the affirmative were

Messrs. Averitt, Adams, Bonner, Barringer, Bryan, Baxter, Brittain, Bailey, Brodnax, Boddie, Crudup, Cox, Cooper, Calvert, Collins, Edwards, Faison, Gatling, Gaither, Graves, Gilliam, Gary, Hogan, Hargrave, Hussey, Hooker, Hodges, Huggins, Howard, Hutcheson, Harrington, Halsey, Jervis, Jacocks, Lea, Lesueur, Macon, McQueen, Melchor, Marchant, Meares, Norcom, Outlaw, Pearsall, Pipkin, Ruffin, Ramsay (*Pasquotank*), Roulhac, Styron, Sawyer, Skinner, Spaight (*Craven*), Speight (*Greene*), Sugg, Stallings, Sanders, Spruill, Tayloe, Wilson (*Edgecomb*), Wilson (*Perquimons*), Welch, Wooten, Williams (*Franklin*), Williams (*Person*), Wilder, and Young—66 Yeas.

Those who voted in the negative were

Messrs. Andres, Arrington, Bower, Branch, Biggs, Bunting, Birchett, Cathey, Cansler, Chalmers, Chambers, Carson, Daniel, Dockery, Dobson, Elliott, Ferebee, Fisher, Franklin, Gaston (*Craven*), Gaston (*Hyde*), Guinn, Grier, Gaines, Gray, Giles, Gudger, Hall, Holmes, Jones (*Wake*), Jones (*Wilkes*), Joiner, King, Kelly, Morris, McMillan, McPherson, McDiarmid, Morehead, Martin, Marsteller, Montgomery, Moore, Owen, Powell (*Columbus*), Powell (*Robeson*), Parker, Rayner, Swain, Shipp, Smith (*Orange*), Smith (*Yancy*), Seawell, Sherard, Shober, Troy, Toomer, White, Williams (*Pitt*), Whitfield, and Wellborn—61 Nays.

So the Convention came to the following Resolution:

Resolved, That free negroes and mulattoes, within four degrees inclusive, be deprived of the privilege of voting for members of the Senate and House of Commons in this State.

On motion of Mr. Spaight, of Craven, the said Resolution was referred to a select Committee, with instructions to draft an amendment accordingly.

Messrs. Spaight, of Craven, Brodnax, Wilson, of Perquimons, Dockery and Bower compose the Committee.

The Articles prescribing the manner in which the Senate and House of Commons shall be constituted were taken up for a second reading.

On motion of Mr. Speight, of Greene,

Ordered, That the said Articles be referred to a Committee of the whole Convention, and made the order of the day for Monday next.

On motion of Mr. Swain,

The Convention, according to the order of the day, resolved itself

into a Committee of the Whole, Mr. Shober in the Chair, on the 5th Resolution, proposing that a Committee be appointed to enquire and report whether any, and if any, what amendments are proper to be made to the Constitution to disqualify members of the Assembly and Officers of the State, or those who hold places of trust under the authority of this State, from being or continuing such while they hold any other office or appointment of this State or of the United States or any other Government: And after some time spent therein, the President resumed the Chair and Mr. Shober reported that the Committee had, according to order, had the same under consideration, and made no amendment thereto.

The Convention proceeded to consider the said Resolution; and on the question that the Convention adopt the same, it was decided in the affirmative.

Messrs. Gaither, Boddie, Gaston, of Hyde, Arrington and Adams compose the Committee raised by said Resolution.

On motion of Mr. Shober,

The Convention, according to the order of the day, resolved itself into a Committee of the Whole, Mr. Dockery in the Chair, on the 6th Resolution, proposing that a Committee be appointed to enquire and report whether any, and if any, what amendments should be made to the Constitution, so as to make the capitation tax on slaves and free white polls equal. And after some time spent therein, the President resumed the Chair, and Mr. Dockery reported that the Committee had, according to order, had the said Resolution under consideration and made progress therein, but not having gone thro' the same, had instructed him to move for leave to sit again.

And on the question, that the Committee of the Whole Convention have leave to sit again on the said Resolution, it was determined in the affirmative.

On motion, the Convention adjourned.

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MONDAY, JUNE 15, 1835.

The Convention met pursuant to adjournment. Prayer by the Rev. Dr. McPheeters, of the Presbyterian Church.

Samuel P. Carson, a Delegate elect from Burke county, appeared, produced his credentials, was duly qualified, and took his seat.

On motion of Mr. Speight, of Greene,

The Convention, according to the special order of the day, resolved itself into a Committee of the Whole, Mr. Shober in the Chair, on the Articles prescribing the manner in which the Senate and House of Commons shall be constituted. After some time spent therein, the President resumed the Chair, and Mr. Shober reported that the Committee had, according to order, had the subject under consideration, and made progress therein, but not having gone thro' the same, had instructed him to ask for leave to sit again.

And, on the question that the Committee of the Whole have leave to sit again on the said Articles, it was decided in the affirmative. On motion, the Convention adjourned.



TUESDAY, JUNE 16, 1835.

The Convention met pursuant to adjournment. Prayer by the Rev. Mr. Jamieson, of the Methodist Episcopal Church.

Mr. Spaight, of Craven, from the Committee to whom was referred the resolution, declaring that free negroes and mulattoes, within four degrees inclusive, be deprived of the privilege of voting for members of the Senate and House of Commons in this State, with instructions to draw up an amendment in conformity thereto, reported the following Article :

That no free negro, free mulatto, or free person of mixed blood, descended from negro ancestors to the fourth generation inclusive, (though one ancestor of each generation may have been a white person,) shall vote for members of the Senate or House of Commons,

This Article was read the first time and passed ; and on motion of Mr. Fisher, ordered to be printed.

On motion of Mr. Spaight, of Greene,

The Convention, according to the order of the day, again resolved itself into a Committee of the Whole, Mr. Shoher in the Chair, on the Articles prescribing the manner in which the Senate and House of Commons shall be constituted. And after some time spent therein, the President resumed the Chair, and Mr. Shoher reported that the Committee had, according to order, again had the said subject under consideration, and made farther progress therein, but not having gone through the same, had instructed him to move for leave to sit again.

And on the question that the Committee of the Whole have leave to sit again, it was decided in the affirmative.

Mr. Wilson, of Perquimons submitted the following resolution:

Resolved, That a Committee of twelve, two of whom to be selected from each Judicial District, be appointed to report what ratio of federal population will give to the House of Commons ninety members, one hundred members, one hundred and ten members and one hundred and twenty members—and that said Committee report what disposition is to be made of the federal population, after allowing one member to each county—and that said Committee be instructed, after allowing one member to each county, to appropriate the residue to counties or districts, or both, according to federal population according to the several numbers of 90, 100, 110 and 120.

And on motion, the Convention adjourned.

WEDNESDAY, JUNE 17, 1835.

The Convention met pursuant to adjournment. Prayer by the Rev. Dr. McPheeters, of the Presbyterian Church.

On motion of Mr. Wilson, of Perquimons,

The Convention proceeded to consider the resolution introduced by him on yesterday.

Mr. Gaston, of Craven, moved to amend the resolution by striking out the words, "and that said Committee report what disposition is to be made of the residue of federal population, after allowing one member to each county—and that said Committee be instructed, after allowing one member to each county, to appropriate the residue to counties or districts, or both, according to federal population, according to the several numbers 90, 100, 110 and 120."

Pending this motion, Mr. Hogan moved to postpone the further consideration of the whole resolution, until the 20th day of July next; which was decided in the negative, Yeas 58, Nays 71.

The Yeas and Nays were required by one-fifth of the members present, on the call of Mr. Smith, of Orange.

Those who voted in the affirmative were

Messrs. Andres, Bower, Barringer, Brittain, Birchett, Brodnax, Crudup, Cathey, Cansler, Chalmers, Dockery, Dobson, Elliott, Fisher, Franklin, Gaither, Graves, Gilliam, Guinn, Grier, Gaines, Gray, Giles, Gudger, Hogan, Hargrave, Hutcheson, Harrington, Jervis, Jones (*Wilkes*.) Joiner, King, Kelly, Lea, Lesueur, McQueen, Morris, Melchor, McDiarmid, Morehead, Martin, Montgomery, Moore, Owen, Parker, Ramsay (*Chatham*.) Swain, Spaight (*Craven*.) Shipp, Smith (*Orange*.) Smith (*Fancy*.) Shober, Toomer, White, Welch, Williams (*Person*.) Wellborn and Young—58.

Those who voted in the negative were

Messrs. Averitt, Arrington, Adams, Bonner, Bryan, Baxter, Branch, Biggs, Bailey, Bunting, Boddie, Cox, Cooper, Calvert, Chambers, Carson (*Rutherford*.) Collins, Daniel, Edwards, Ferebee, Faison, Gatling, Gaston (*Craven*.) Gaston (*Hyde*.) Gary, Hill, Hall, Hussey, Hooker, Hodges, Howard, Huggins, Halsey, Holmes, Jones (*Wake*.) Jacocks, Macon, McMillan, McPherson, Marchant, Marsteller, Meares, Norcom, Outlaw, Powell (*Columbus*.) Powell (*Robeson*.) Pearsall, Pipkin, Ruffin, Rayner, Ramsay (*Pasquotank*.) Roulhac, Styron, Sawyer, Skinner, Spruill, Sugg, Stallings, Speight (*Greene*.) Sanders, Seawell, Sherard, Tayloe, Troy, Wilson (*Edgecomb*.) Wilson (*Perquimons*.) Williams (*Franklin*.) Williams (*Pitt*.) Wooten, Whitfield, and Wilder—71.

The question recurring on the amendment proposed by Mr. Gaston of Craven, it was decided in the affirmative. Yeas 70—Nays 59.

The Yeas and Nays were required by one-fifth of the members present, on the call of Mr. Jacocks.

Those who voted in the affirmative were

Messrs. Andres, Bower, Barringer, Brittain, Birchett, Brodnax, Boddie, Crudup, Cathey, Cansler, Chalmers, Chambers, Carson (*Rutherford*.) Dockery, Dobson, Elliott, Edwards, Fisher, Franklin, Gaither, Graves, Gas-

ton (*Craven*,) Gilliam, Guinn, Grier, Gaines, Gray, Giles, Gudger, Hogan, Hargrave, Hutcheson, Harrington. Jervis, Jones (*Wilkes*,) Joiner, King, Kelly, Lea, Lesueur, Macon, McQueen, Morris, McMillan, Melchor, McDiarmid, Morehead, Martin, Montgomery, Meares, Moore, Outlaw, Owen, Parker, Ramsay (*Chatham*,) Swain, Spaight (*Craven*,) Shipp, Smith (*Orange*,) Smith (*Yancy*,) Seawell, Shober, Troy, Toomer, White, Welch, Williams (*Person*,) Williams (*Pitt*,) Wellborn and Young—70 Yeas.

Those who voted in the negative were

Messrs. Averitt, Adams, Arrington, Bonner, Bryan, Baxter, Branch, Biggs, Bailey, Bunting, Cox, Cooper, Calvert, Collins, Daniel, Ferebee, Faison, Gatling, Gaston (*Hyde*,) Gary, Hill, Hall, Hussey, Hooker, Hodges, Huggins, Howard, Halsey, Holmes, Jones (*Wake*,) Jacocks, McPherson, Marsteller, Marchant, Norcom, Powell (*Columbus*) Powell (*Robeson*,) Pearsall, Pipkin, Ruffin, Rayner, Ramsay (*Pasquotank*,) Roulliac, Styron, Sawyer, Skinner, Sugg, Stallings, Speight (*Greene*,) Sanders, Sherard, Spruill, Tayloe, Wilson (*Edgecomb*,) Wilson (*Perquimons*,) Wooten, Williams (*Franklin*,) Whitfield, and Wilder—59 Nays.

On motion of Mr. Wilson, of Perquimons,

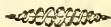
Ordered, That the Resolution do lie on the table.

On motion of Mr. Speight, of Greene,

The Convention, according to the order of the day, again resolved itself into a Committee of the Whole, Mr. Shober in the Chair, on the Articles prescribing the manner in which the Senate and House of Commons shall be constituted. And after some time spent therein, the President resumed the Chair, and Mr. Shober reported that the Committee had, according to order, again had the said Articles under consideration and made farther progress therein, but not having gone through the same, had instructed him to ask leave to sit again.

And on the question that the Committee of the Whole have leave to sit again on the said Articles, it was determined in the affirmative.

On motion, the Convention adjourned.



THURSDAY, JUNE 18, 1835.

The Convention met, pursuant to adjournment. Prayer by the Rev. Mr. Jamieson.

Mr. Wilson, of Perquimons, moved to take up for its second reading the Article abrogating the right of free negroes and mulattoes to vote for members of the Legislature; which was determined in the negative.

On motion of Mr. Speight of Greene,

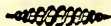
The Convention, according to the order of the day, again resolved itself into a Committee of the Whole, Mr. Shober in the Chair, on the Articles prescribing the manner in which the Senate and House

of Commons shall be constituted. And after some time spent therein, the President resumed the Chair, and Mr. Shober reported that the Committee of the Whole had, according to order, again had the said Articles under consideration, and made the following amendment thereto :

“That in making the apportionment of Representatives in the House of Commons, the ratio of Representation shall be ascertained by dividing the amount of the Federal population of the State, after deducting that comprehended within those counties which do not severally contain the one-hundred and twentieth part of the entire Federal population aforesaid, by the number of Representatives less the number assigned to the said counties : That to each county containing the said ratio, and not twice the said ratio, there shall be assigned one Representative ; to each county containing twice, but not three times the said ratio, there shall be assigned two Representatives ; and so on progressively, and that then the remaining Representatives shall be assigned severally to the counties having the largest fractions.”

And the question being on concurring with the Report of the Committee of the Whole, the Yeas and Nays were demanded by one-fifth of the members present, on the call of Mr. Biggs.

Pending the question, the Convention adjourned.



FRIDAY, JUNE 19, 1835.

The Convention met, pursuant to adjournment. Prayer by the Rev. Dr. McPheeters.

On motion of Mr. Branch,

Ordered, That the amendment reported by the Committee of the Whole, on yesterday, be printed.

Mr. Gaston introduced the following Resolution:

Resolved, That it is expedient, in framing amendments to the Constitution, on the subject of Representation in the House of Commons, to provide that in making every apportionment, the Legislature shall divide or cause to be divided, those counties to which more than two Representatives shall be assigned, into election districts, consisting severally of contiguous territory, and of equal federal numbers, as nearly as convenience will permit, each of which districts shall elect one Representative only.

On motion of Mr. Swain,

Ordered, That two hundred copies of the said Resolution be printed.

The Convention proceeded to the orders of the day, and took up for consideration the unfinished business of yesterday.

And the question being on agreeing to the amendment reported by the Committee of the Whole to the Articles prescribing the manner

in which the Senate and House of Commons shall be constituted, it was decided in the affirmative. Yeas 83—Nays 43.

Those who voted in the affirmative were

Messrs. Bower, Bonner, Barringer, Branch, Baxter, Brittain, Bunting, Birchett, Brodnax, Boddie, Crudup, Cathey, Cox, Cansler, Calvert, Chambers, Collins, Daniel, Dockery, Dobson, Elliot, Edwards, Ferebee, Fisher, Faison, Franklin, Gaither, Graves, Gaston (*Craven*,) Gilliam, Grier, Gainès, Gray, Gary, Giles, Gudger, Hogan, Hargrave, Hooker, Halsey, Hutcheson, Holmes, Jones (*Wake*,) Jones (*Wilkes*,) Jervis, Joiner, King, Lea, Lesueur, Macon, McQueen, Morris, McMillan, Melchor, Marchant, Morehead, Martin, Marsteller, Montgomery, Meares, Moore, Norcom, Outlaw, Pearsall, Parker, Ramsay (*Chatham*,) Rayner, Swain, Spaight (*Craven*,) Speight (*Greene*,) Shipp, Smith (*Orange*,) Smith (*Yancy*,) Shober, Spruill, Tayloe, White, Williams (*Franklin*,) Williams (*Person*,) Williams (*Pitt*,) Welch, Wellborn and Young—83 Yeas.

Those who voted in the negative were

Messrs. Andres, Averitt, Arrington, Adams, Biggs, Bryan, Bailey, Cooper, Chalmers, Gatling, Gaston (*Hyde*,) Guinn, Hill, Hall, Hussey, Hodges, Huggins, Howard, Jacocks, Kelly, McPherson, McDiarmid, Owen, Powell (*Columbus*,) Powell (*Robeson*,) Pipkin, Ruffin, Ramsay (*Pasquotank*,) Roulhac, Styron, Sawyer, Skinner, Sugg, Stallings, Sanders, Seawell, Sherard, Troy, Toomer, Wilson (*Edgecomb*,) Wilson (*Perquimons*,) Whitfield and Wilder—43 Nays.

The Articles as amended being under consideration, Mr. Williams, of Pitt, moved to amend the Article relating to the Senate by striking out “ten” and inserting “twenty.”

Mr. Daniel called for a division of the question.

And the question being upon striking out, the Yeas and Nays were required by one-fifth of the members present, on the call of Mr. Ramsay, of Pasquotank.

Those who voted in the affirmative were

Messrs. Andres, Averitt, Arrington, Adams, Bonner, Bryan, Baxter, Branch, Biggs, Bailey, Bunting, Crudup, Cox, Cooper, Calvert, Collins, Daniel, Edwards, Ferebee, Faison, Gatling, Gaston (*Craven*,) Gilliam, Gary, Hill, Hall, Hargrave, Hussey, Hooker, Huggins, Howard, Halsey, Holmes, Jones (*Wake*,) Joiner, Jacocks, McPherson, Marchant, Morehead, Marsteller, Norcom, Outlaw, Owen, Powell (*Columbus*,) Powell (*Robeson*,) Pearsall, Pipkin, Ruffin, Rayner, Ramsay (*Pasquotank*,) Roulhac, Sawyer, Skinner, Spaight (*Craven*,) Speight (*Greene*,) Sugg, Stallings, Sanders, Seawell, Spruill, Tayloe, Troy, Wilson (*Edgecomb*,) Wilson (*Perquimons*,) Williams (*Franklin*,) Williams (*Pitt*,) Whitfield and Wilder—68 Yeas.

Those who voted in the negative were

Messrs. Bower, Barringer, Brittain, Birchett, Brodnax, Boddie, Cathey, Cansler, Chalmers, Chambers, Carson (*Rutherford*,) Dockery, Dobson, Elliott, Fisher, Franklin, Gaither, Graves, Gaston (*Hyde*,) Guinn, Grier, Gaines, Gray, Giles, Gudger, Hogan, Hodges, Hutcheson, Harrington, Jervis, Jones (*Wilkes*,) King, Kelly, Lea, Lesueur, Macon, McQueen, Morris, McMillan, Melchor, McDiarmid, Martin, Montgomery, Meares, Moore, Par-

ker, Ramsay (*Chatham*,) Swain, Styron, Shipp, Smith (*Orange*,) Smith (*Fancy*,) Sherard, Shober, Toomer, White, Williams (*Person*,) Wellborn, Welch and Young—60 Nays.

So the Convention agreed to strike out. Yeas 68. Nays 60.

And the question recurring on the other branch of the motion, to-wit, to insert the word *twenty* in lieu of that stricken out, it was decided in the affirmative. Yeas 69, Nays 59.

The Yeas and Nays were required by one-fifth of the members present, on the call of Mr. Ramsay, of Pasquotank.

Those who voted in the affirmative were

Messrs. Andres, Averitt, Arrington, Adams, Bonner, Bryan, Baxter, Branch, Biggs, Bailey, Bunting, Crudup, Cox, Cooper, Calvert, Collins, Daniel, Edwards, Ferebee, Fisher, Gatling, Gaston (*Craven*,) Gilliam, Gary, Giles, Hill, Hall, Hussey, Hooker, Huggins, Howard, Halsey, Holmes, Jones (*Wake*,) Joiner, Jacocks, McPherson, Marchant, Marsteller, Meares, Outlaw, Owen, Powell (*Columbus*,) Powell (*Robeson*,) Pearsall, Pipkin, Ruffin, Rayner, Ramsay, *Pasquotank*,) Roulhac, Swain, Sawyer, Skinner, Spaight (*Craven*,) Speight (*Greene*,) Sugg, Stallings, Sanders, Seawell, Spruill, Tayloe, Troy, Toomer, Wilson (*Edgecomb*,) Wilson (*Perquimons*,) Williams (*Franklin*,) Williams (*Pitt*,) Whitfield, and Wilder—69 Yeas.

Those who voted in the negative were

Messrs. Bower, Barringer, Brittain, Birchett, Brodnax, Boddie, Cathey, Cansler, Chalmers, Chambers, Carson (*Rutherford*,) Dockery, Dobson, Elliott, Faison, Franklin, Gaither, Graves, Gaston (*Hyde*,) Guinn, Grier, Gaines, Gray, Gudger, Hogan, Hargrave, Hodges, Hutcheson, Harrington, Jervis, Jones (*Wilkes*,) King, Kelly, Lea, Lesueur, Macon, McQueen, Morris, McMillan, Melchor, McDiarmid, Morehead, Martin, Montgomery, Moore, Norcom, Parker, Ramsay (*Chatham*,) Styron, Shipp, Smith (*Orange*,) Smith (*Fancy*,) Sherard, Shober, White, Welch, Williams (*Person*,) Wellborn, and Young—59 Nays.

Mr. Gaston, of Craven, moved to amend the said Article, by inserting between the words “*and*” and “*every*,” the following:—“Afterwards at its first session after the year 1851, and then;” which was agreed to. Yeas 77, Nays 21.

The Yeas and Nays were required by one-fifth of the members present, at the call of Mr. Jacocks.

Those who voted in the affirmative were

Messrs. Andres, Bower, Barringer, Baxter, Brittain, Bailey, Birchett, Brodnax, Boddie, Crudup, Cathey, Cansler, Chalmers, Chambers, Carson (*Rutherford*,) Daniel, Dobson, Dockery, Elliott, Edwards, Fisher, Franklin, Gaither, Graves, Gaston (*Craven*,) Gaston (*Hyde*,) Guinn, Grier, Gaines, Gray, Giles, Gudger, Hogan, Hargrave, Hussey, Hodges, Huggins, Hutcheson, Harrington, Jervis, Jones (*Wilkes*,) King, Kelly, Lea, Lesueur, McQueen, Morris, McMillan, Melchor, McDiarmid, Morehead, Martin, Montgomery, Meares, Moore, Norcom, Outlaw, Owen, Parker, Ramsay (*Chatham*,) Swain, Styron, Skinner, Spaight (*Craven*,) Shipp, Smith (*Orange*,) Smith (*Fancy*,) Sherard, Shober, Toomer, Troy, White, Wilson (*Edgecomb*,) Welch, Williams (*Person*,) Wellborn and Young—77 Yeas.

Those who voted in the negative were

Messrs. Averitt, Arrington, Adams, Bonner, Bryan, Branch, Biggs, Bunting, Cox, Cooper, Calvert, Collins, Ferebee, Faison, Gatling, Gilliam, Gary, Hill, Hall, Hooker, Howard, Halsey, Holmes, Jones (*Wake*,) Joiner, Jacocks, Macon, McPherson, Marchant, Marsteller, Powell (*Columbus*,) Powell (*Robeson*,) Pearsall, Pipkin, Ruffin, Rayner, Ramsay (*Pasquotank*,) Roulhac, Sawyer, Sugg, Stallings, Speight (*Greene*,) Sanders, Seawell, Spruill, Tayloe, Williams (*Franklin*,) Williams (*Pitt*,) Wilson (*Perquimons*,) Whitfield and Wilder—51 Nays.

On motion of Mr. Halsey, the said Article was further amended, by inserting after the word "*thereof*," the following, "and that the average of the public taxes paid by each county into the Treasury of the State, for the five years preceding the laying off the districts, shall be considered as its proportion of the public taxes and constitute the basis of apportionment."

Mr. Bryan moved to fill the blank in the Article relating to the House of Commons with the following: "including three borough members, one from each of the towns of Edenton, Newbern and Wilmington."

Mr. Bower moved to amend the amendment, by striking out "three" and inserting "four," and by adding the town of Fayetteville; which was decided in the negative.

The question recurring on the amendment offered by Mr. Bryan, it was decided in the negative.

Mr. Speight moved to strike out from the said Article, the words "one hundred and twenty."

Pending this question, Mr. Owen moved that the articles prescribing the manner in which the Senate and House of Commons shall be constituted, do lie on the table, which was decided in the negative.

The question recurring on the motion to strike out the words, "one hundred and twenty," the Yeas and Nays were required by one-fifth of the members present, on the call of Mr. Speight, of Greene.

Those who voted in the affirmative, were

Messrs. Andres, Averitt, Adams, Bryan, Baxter, Branch, Biggs, Bailey, Bunting, Boddie, Cox, Cooper, Calvert, Collins, Daniel, Ferebee, Gatling, Gaston (*Hyde*,) Gary, Hill, Hall, Hussey, Hooker, Hodges, Huggins, Howard, Harrington, Halsey, Jacocks, McPherson, Marchant, Norcom, Outlaw, Powell (*Columbus*,) Powell (*Robeson*,) Pipkin, Rayner, Ramsay (*Pasquotank*,) Roulhac, Styron, Sawyer, Sugg, Stallings, Speight (*Greene*,) Sanders, Sherard, Spruill, Troy, Wilson (*Edgecomb*,) Wilson (*Perquimons*,) Whitfield and Wilder.—52 yeas.

Those who voted in the negative were

Messrs. Arrington, Bower, Bonner, Barringer, Brittain, Birchett, Brodnax, Crudup, Cathey, Cansler, Chalmers, Chambers, Carson (*Rutherford*,) Dockery, Dobson, Elliott, Edwards, Faison, Fisher, Franklin, Gaither, Graves, Gaston (*Craven*,) Gilliam, Guinn, Grier, Gaines, Gray, Giles, Gudger, Hogan, Hargrave, Hutcheson, Holmes, Jones (*Wake*,) Jones (*Wilkes*,)

Jervis, Joiner, King, Kelly, Lea, Lesueur, Macon, McQueen, Morris, McMillan, Melchor, McDiarmid, Morehead, Martin, Marsteller, Montgomery, Meares, Moore, Owen, Pearsall, Parker, Ruffin, Swain, Skinner, Spaight (*Craven*,) Shipp, Smith (*Orange*,) Smith (*Yancy*,) Seawell, Shober, Tayloe, Toomer, White, Williams (*Franklin*,) Williams (*Person*,) Williams (*Pitt*,) Welch, Wellborn and Young.—75 Nays.

So the Convention refused to strike out. Yeas 52, Nays 75.

Mr. Harrington moved to amend the article relating to the Senate, by striking out “*fifty*” and inserting “*forty*.”

Mr. Spaight of Craven, called for a division of the question.

And the question being on striking out, the Yeas and Nays were required by one-fifth of the members present, on the call of Mr. Spruill.

Those who voted in the affirmative were

Messrs. Bunting, Harrington, Wilson (*Edgecomb*,) Wilson (*Perquimons*,)—4 Yeas.

Those who voted in the negative were

Messrs. Andres, Averitt, Arrington, Adams, Bower, Bonner, Barringer, Bryan, Baxter, Branch, Brittain, Biggs, Bailey, Birchett, Brodnax, Boddie, Crudup, Cathey, Cox, Cansler, Cooper, Chalmers, Calvert, Chambers, Carson (*Rutherford*,) Collins, Daniel, Dockery, Dobson, Elliott, Edwards, Ferebee, Fisher, Faison, Franklin, Gatling, Gaither, Graves, Gaston (*Craven*,) Gaston (*Hyde*,) Gilliam, Guinn, Grier, Gaines, Gary, Gray, Giles, Gudger, Hill, Hall, Hogan, Hargrave, Hussey, Hooker, Hodges, Huggins, Howard, Hutcheson, Halsey, Holmes, Jones (*Wake*,) Jones (*Wilkes*,) Jervis, Joiner, Jacocks, King, Kelly, Lea, Lesueur, Macon, McQueen, Morris, McMillan, Melchor, McPherson, McDiarmid, Marchant, Morehead, Martin, Marsteller, Montgomery, Meares, Moore, Norcom, Outlaw, Owen, Powell (*Columbus*,) Powell (*Robeson*,) Pearsall, Parker, Pipkin, Ruffin, Ramsay (*Chatham*,) Ramsay (*Pasquotank*,) Rayner, Roulhac, Swain, Styron, Sawyer, Skinner, Spaight (*Craven*,) Speight (*Greene*,) Sugg, Stallings, Shipp, Sanders, Smith (*Orange*,) Smith (*Yancy*,) Seawell, Sherard, Shober, Spruill, Tayloe, Troy, Toomer, White, Welch, Williams (*Franklin*,) Williams (*Person*,) Williams (*Pitt*,) Whitfield, Wellborn, Wilder and Young—124 Nays.

So the Convention refused to strike out. Yeas 4, Nays 124.

On motion of Mr. Gaston of Craven, the Article relating to the House of Commons was amended by striking out the words “at its first session, after the year 1841, and every ten years thereafter, which,” and inserting the words “at the respective times and periods when the districts for the Senate, are herein before directed to be laid off, and the said”

And on the question shall the said Articles be engrossed for a third reading; it was decided in the affirmative.

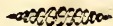
On motion of Mr. Owen,

Ordered, That the said Articles be read a third time on Monday next.

On motion of Mr. Swain,

Ordered, That two hundred copies of the Articles be printed.

Mr. Spaight, of Craven, gave notice, that he should, on to-morrow, move to amend the rules of order which govern the Convention. On motion, the Convention adjourned.



SATURDAY, JUNE 20, 1835.

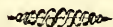
The Convention met pursuant to adjournment. Prayer by the Rev. Mr. Jamieson.

On motion of Mr. Swain,

The Convention, according to the order of the day, resolved itself into a Committee of the Whole, Mr. Wellborn in the Chair, on the 11th Resolution, proposing that a Committee be appointed to enquire whether any, and if any, what amendments be proper to provide for biennial instead of annual meetings of the General Assembly, and for the biennial instead of tri-annual election of Secretary of State. After some time spent therein, the President resumed the Chair, and Mr. Wellborn reported that the Committee had, according to order, had the said Resolution under consideration, and made the following amendment thereto, to wit: To insert in lieu of the said Resolution, after the word "Resolved," the following:

"That it is expedient to amend the Constitution so as to provide for the biennial instead of annual sessions of the General Assembly, and for the biennial instead of the tri-annual election of Secretary of State."

On motion, the Convention adjourned.



MONDAY, JUNE 22, 1835.

The Convention met, pursuant to adjournment. Prayer by the Rev. Dr. McPheeters.

On motion of Mr. Speight of Greene,

Ordered, That the special order of the day be postponed until to-morrow.

On motion of Mr. Spaight, of Craven,

Ordered, That the further consideration of the Report of the Committee of the Whole on the 11th Resolution, be postponed until to-morrow.

On motion of Mr. Edwards,

The Convention, according to the order of the day, again resolved itself into a Committee of the Whole, Mr. Dockery in the Chair, on the 6th Resolution proposing that a Committee be appointed to enquire whether any, and if any, what amendment should be made to the Constitution, so as to make the capitation tax on slaves and free white polls equal. And after some time spent therein, the President

resumed the Chair, and Mr. Dockery reported that the Committee had, according to order, again had the said Resolution under consideration, and made the following amendment, to wit: To insert in lieu thereof, after the word "Resolved," the following:

"That the individual capitation tax on slaves of either sex shall not extend to those under twelve, nor over fifty years of age; and shall not exceed the capitation tax on free white males not under twenty-one nor over forty-five years of age."

On motion of Mr. Speight, of Greene, the Convention proceeded to consider the said amendment; and on the question of agreeing thereto, it was determined in the affirmative.

The Resolution was read as amended, and adopted.

On motion of Mr. Collins,

Ordered, That the said Resolution be referred to a Committee, with instructions to report an Article according thereto.

Messrs. Collins, Swain, Scawell, Williams, of Pitt, and Williams, of Person, compose the Committee.

On motion of Mr. Shober,

The Convention, according to the order of the day, resolved itself into a Committee of the Whole, Mr. Morehead in the Chair, on the 8th Resolution, proposing that a Committee be appointed to enquire whether any, and if any, what amendments be proper to compel members of the General Assembly to vote *viva voce* in the election of officers. And after some time spent therein, the President resumed the Chair, and Mr. Morehead reported that the Committee had, according to order, had the said Resolution under consideration, and made the following amendment thereto, to wit: After striking out all after the word "Resolved," to insert in lieu thereof as follows:

"That it is expedient so to amend the Constitution as in all elections by the General Assembly, the members shall vote *viva voce*."

On motion of Mr. Speight, of Greene, the Convention proceeded to consider the amendment.

And on the question, shall the said amendment be adopted? it was decided in the affirmative. Yeas 84, Nays 40.

The Yeas and Nays were required by one-fifth of the members present, at the call of Mr. Speight, of Greene.

Those who voted in the affirmative were

Messrs. Averitt, Arrington, Bower, Bonner, Barringer, Baxter, Branch, Brittain, Biggs, Bunting, Birchett, Brodnax, Carson (*Burke*.) Cathey, Cansler, Chalmers, Calvert, Chambers, Daniel, Dobson, Edwards, Ferebee, Faison, Franklin, Gatling, Gaither, Gilliam, Guinn, Gary, Hall, Hogan, Hargrave, Hussey, Hooker, Hodges, Huggins, Howard, Hutcheson, Harrington, Holmes, Jones (*Wake*.) Jervis, Kelly, Macon, McQueen, McMillan, Melchor, McPherson, McDiarmid, Marchant, Martin, Montgomery, Moore, Norcom, Outlaw, Owen, Powell (*Columbus*.) Powell (*Robeson*.) Pearsall, Pipkin, Ruffin, Ramsay (*Chatham*.) Rayner, Roulhac, Styron, Sawyer, Skinner, Spaight (*Craven*.) Speight (*Greene*.) Sugg, Stallings, San-

ders, Seawell, Smith (*Yancy*,) Tayloe, Wilson (*Edgecomb*,) Wilson (*Perquimons*,) Welch, Williams (*Franklin*,) Williams (*Person*,) Williams (*Pitt*,) Whitfield, Wellborn and Wilder—84 Yeas.

Those who voted in the negative were

Messrs. Andres, Adams, Bryan, Bailey, Crudup, Cox, Cooper, Carson (*Rutherford*,) Collins, Dockery, Elliot, Fisher, Graves, Gaston (*Craven*,) Gaston (*Hyde*,) Grier, Gaines, Gray, Giles, Gudger, Hill, Halsey, Joiner, Jacobs, King, Lea, Morris, Morehead, Meares, Parker, Ramsay (*Pasquotank*,) Swain, Shipp, Smith (*Orange*,) Shober, Spruill, Troy, Toomer, White and Young—40 Nays.

The Resolution was adopted; and on motion of Mr. Speight, of Greene,

Ordered, That it be referred to a Committee to report an amendment to the Constitution according thereto.

Messrs. Speight, of Greene, Wellborn, Wilder, Troy and Sawyer compose the Committee.

On motion of Mr. Shober,

The Convention, according to the order of the day, resolved itself into a Committee of the Whole, Mr. Morehead in the Chair, on the Resolution proposing to enquire whether any, and if any, what amendments be necessary in the mode of appointing and removing from office Militia officers and Justices of the Peace. And after some time spent therein, the President resumed the Chair, and Mr. Morehead reported that the Committee had, according to order, had the said Resolution under consideration, and had made no amendment thereto.

The Resolution was read; and on the motion that it be adopted, it was determined in the affirmative.

Messrs. Hodges, Brittain, Biggs, Cathey and Cooper compose the Committee raised by said Resolution.

On motion of Mr. Halsey,

Ordered, That the order of the day on the 9th Resolution, proposing that a Committee be appointed to enquire whether any, and if any, what amendments be proper to be made to the 32d Article of the Constitution, be postponed and made the order of the day for Thursday next.

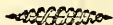
On motion of Mr. Speight, of Greene,

The Convention, according to the order of the day, resolved itself into a Committee of the Whole, Mr. Bower in the Chair, on the 10th Resolution, proposing that a Committee be appointed to enquire whether any, and if any, what amendments be proper to be made in the Constitution for supplying vacancies in the General Assembly, occurring before the meeting of the General Assembly. And after some time spent therein, the President resumed the Chair, and Mr. Bower reported that the Committee had, according to order, had the said Resolution under consideration, and had made no amendment thereto.

The Resolution was then read and adopted.

Messrs. Owen, Edwards, Ferebee, Young and Franklin compose the Committee raised by the said Resolution.

And on motion the Convention adjourned:



TUESDAY, JUNE 23, 1835.

The Convention met, pursuant to adjournment. Prayer by the Rev. Mr. Jamieson, of the Methodist Episcopal Church.

Mr. Spaight of Craven, pursuant to previous notice, submitted the following additional Rules for the government of the Convention; which were read and adopted:

There shall be a Committee, consisting of seven members, whose duty it shall be to superintend the engrossing and enrolling of all amendments to the Constitution and Ordinances, and to correct all errors and mistakes in them; also arrange and classify all the amendments to the Constitution, which may be referred to said Committee, and present them in one body, for the final action of the Convention.

When an amendment to the Constitution shall have passed its second reading, and received its third reading, and been considered on that reading, the question shall be on referring it to the Committee of seven, and ordering it to be engrossed; but a motion to amend shall take precedence of that question.

After the amendments to the Constitution and Ordinances shall have passed their third and last reading, they shall be enrolled; the former on parchment, and presented for ratification, which shall be done in Convention, by the signature of the President, and countersigned by the Secretaries.

Mr. Speight, of Greene, from the Committee to whom the subject was referred, reported the following Article, which passed to its second reading:

That in the election of all officers whose appointment is conferred on the General Assembly by the Constitution, the vote shall be *virâ voce*.

Mr. Swain, from the Committee to whom was referred the Resolution instructing them to enquire and report whether any, and if any, what amendments are proper to be made to the Constitution as to the exclusion, in whole or in part of Borough members from the House of Commons, reported:

That in the opinion of the Committee, the right of representation as heretofore exercised, should be continued to the towns of Edenton, Fayetteville, Newbern and Wilmington, and withheld from the towns of Halifax, Hillsborough and Salisbury. They therefore recommend the adoption of the following amendment to the Article

prescribing the manner in which the House of Commons shall be constituted, and of the annexed Article in addition thereto: After the word "Representatives" in the third line, insert "exclusive of the town members hereinafter provided for."

Additional Article.—That in addition to the one hundred and twenty Representatives chosen, as hereinbefore prescribed, by the counties of this State, there shall be chosen one Representative in the House of Commons from each of the towns of Edenton, Fayetteville, Newbern and Wilmington.

The engrossed Articles prescribing the manner in which the Senate and House of Commons shall be constituted, were read the third time.

Mr. Fisher moved to fill the blank in the first Article with the word "biennially." And the question being, to agree thereto, it was decided in the affirmative. Yeas 85, Nays 35.

The Yeas and Nays were required by one fifth of the members present, on the call of Mr. Speight, of Greene.

Those who voted in the affirmative were

Messrs. Andres, Arrington, Adams, Bower, Barringer, Bryan, Baxter, Brittain, Biggs, Bunting, Brodnax, Crudup, Cathey, Cansler, Cooper, Chalmers, Dockery, Dobson, Elliott, Ferebee, Fisher, Faison, Franklin, Gatling, Gaither, Graves, Gaston (*Craven*,) Gaston (*Hyde*,) Gunn, Grier, Gaines, Gray, Giles, Gudger, Hill, Hogan, Hargrave, Hussey, Hodges, Huggins, Hutcheson, Holmes, Jervis, Joiner, Jacocks, King, Kelly, Lea, McQueen, Morris, McMillan, Melchor, McPherson, McDiarmid, Marchant, Morehead, Martin, Montgomery, Meares, Moore, Norcom, Owen, Pearsall, Parker, Powell (*Robeson*,) Ramsay (*Chatham*,) Ramsay (*Pasquotank*,) Swain, Styron, Skinner, Stallings, Shipp, Sanders, Smith (*Orange*,) Smith (*Yancy*,) Shoher, Spruill, Toomer, White, Welch, Wilson (*Perquimons*,) Williams (*Person*,) Williams (*Pitt*,) Wellborn and Young—85 Yeas.

Those who voted in the negative were

Messrs. Averitt, Bonner, Branch, Bailey, Birchett, Cox, Calvert, Chambers, Carson (*Rutherford*,) Collins, Daniel, Edwards, Gilliam, Gary, Hall, Halsey, Jones (*Wake*,) Macon, Outlaw, Powell (*Columbus*,) Pipkin, Ruffin, Rayner, Roulhac, Sawyer, Spaight (*Craven*,) Speight (*Greene*,) Sagg, Seawell, Tayloe, Troy, Wilson (*Edgecomb*,) Williams (*Franklin*,) Whitfield, and Wilder—35 Nays.

On motion of Mr. Fisher, the blank in the Article relating to the House of Commons was also filled with the word "biennially."

Mr. Wilson, of Perquimons, moved to strike out the words "fifty" and "one hundred and twenty," and insert in their stead the numbers "thirty four" and "ninety."

Mr. Dockery called for a division of the question.

And the question being on striking out, the Yeas and Nays were required by one fifth of the members present, on the call of Mr. Williams, of Franklin,

Those who voted in the affirmative were

Messrs. Averitt, Baxter, Biggs, Bunting, Calvert, Ferebee, Gatling, Hall, Hussey, Huggins, Holmes, Jaccoks, McPherson, Norcom, Powell (*Columbus*) Powell (*Robeson*.) Pipkin, Rayner, Roulhac, Styron, Sawyer, Sugg, Stallings, Sanders, Spruill, Wilson (*Edgecomb*.) Wilson (*Perquimons*.)—26 Yeas.

Those who voted in the negative were

Messrs. Andres, Arrington, Adams, Bower, Bonner, Barringer, Bryan, Brittain, Bailey, Birchett, Brodnax, Crudup, Cathey, Cox, Caisler, Cooper, Chalmers, Chambers, Carson (*Rutherford*.) Collins, Daniel, Dockery, Dobson, Elliott, Edwards, Fisher, Faison, Franklin, Gaither, Graves, Gaston (*Craven*.) Gilliam, Guinn, Grier, Gaines, Gary, Gray, Giles, Gudger, Hill, Hogan, Hargrave, Hutcheson, Halsey, Jones (*Wake*.) Jervis, Joiner, King, Kelly, Lea, Macon, McQueen, Morris, McMillan, Melchor, McDiarmid, Marchant, Morehead, Martin, Montgomery, Meares, Moore, Outlaw, Owen, Pearsall, Parker, Ruffin, Ramsay (*Chatham*.) Ramsay (*Pasquotank*.) Swain, Skinner, Spaight (*Craven*.) Speight (*Greene*.) Shipp, Smith (*Orange*.) Smith (*Fancy*.) Seawell, Shober, Tayloe, Troy, Toomer, White, Williams (*Franklin*.) Williams (*Person*.) Williams (*Pitt*.) Welch, Whitfield, Wellborn, Wilder and Young—92 Nays.

So the Convention refused to strike out—Yeas 26, Nays 92.

Mr. Guinn submitted the following amendment: Insert after the 3d section of the Article relating to the House of Commons the following: "Until the year 1842, and after that time, the several fractions may be disposed of at the discretion of the Legislature, at the several periods of making the apportionments."

And on motion, the Convention adjourned.



WEDNESDAY, JUNE 24, 1835.

The Convention met pursuant to adjournment. Prayer by the Rev. Dr. McPheeters, of the Presbyterian Church.

On motion of Mr. Spaight, of Craven,

Ordered, That the additional Rules for the government of the Convention be printed.

The Convention proceeded to the consideration of the unfinished business of yesterday; and Mr. Guinn having withdrawn the amendment offered by him, Mr. Kelly submitted the following: Strike out all after the words "shall be," in the 17th line of the 3d section, and insert the words "elected among the several counties having said excesses, according to their federal population, by districts; and in case, after such division into districts, there should remain any excess, the same shall be assigned to the districts having the largest fractions."

The question being had on this amendment, it was decided in the negative—Yeas 37, Nays 83.

The Yeas and Nays were required by one fifth of the members present, on the call of Mr. Sanders.

Those who voted in the affirmative were

Messrs. Andres, Averitt, Arrington, Bryan, Baxter, Biggs, Cox, Cooper, Chalmers, Ferebee, Gatling, Guinn, Hussey, Huggins, Howard, Holmes, Jones (*Wake*), Jacocks, Kelly, Macon, McPherson, McDiarmid, Norcom, Owen, Powell (*Columbus*), Powell (*Robeson*), Pipkin, Styron, Sawyer, Sugg, Stallings, Sanders, Seawell, Troy, Toomer, Wilson (*Edgecomb*), Wilson (*Perquimons*),—37 Yeas.

Those who voted in the negative were

Messrs. Adams, Bower, Bonner, Barringer, Brittain, Bailey, Bunting, Birchett, Brodnax, Boddie, Crudup, Cathey, Cansler, Calvert, Chambers, Carson (*Rutherford*), Collins, Daniel, Dockery, Dobson, Elliott, Edwards, Fisher, Faison, Franklin, Gaither, Graves, Gaston (*Craven*), Gaston (*Hyde*), Gilliam, Grier, Gaines, Gary, Gray, Giles, Gudger, Hall, Hogan, Hargrave, Hooker, Hodges, Hutcheson, Halsey, Jervis, Jones (*Wilkes*), Joiner, King, Lea, McQueen, Morris, McMillan, Melchor, Marchant, Morehead, Martin, Montgomery, Meares, Moore, Outlaw, Pearsall, Parker, Ruffin, Ramsay (*Chatham*), Ramsay (*Pasquotank*), Rayner, Swain, Skinner, Spaight (*Craven*), Speight (*Greene*), Shipp, Smith (*Orange*), Smith (*Fancy*), Shober, Spruill, Tayloe, White, Williams (*Franklin*), Williams (*Person*), Williams (*Pitt*), Welch, Wellborn, Wilder and Young—83 Nays.

Mr. Guinn submitted the following amendment, which was rejected: Add to the 3d section of the Article relating to the House of Commons the words "Until the year 1842, and then the Legislature may, at its discretion, dispose of the fractions, where no county's fraction exceeds two-thirds of the requisite ratio, by districts or otherwise."

Mr. Biggs moved to amend the same section by adding the following proviso:

Provided that no county shall have more than three Representatives in the House of Commons; and should any county or counties, after being entitled to three Representatives, according to the requisite ratio, have such large fractions as would entitle them to another Representative, then such additional Representative or Representatives shall be assigned to the county or counties not entitled to but one Representative by the ratio, but which may have the next largest fractions to those counties which will be entitled to Representatives according to the above mode of apportionment.

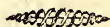
The question being had on this amendment, it was determined in the negative.

On motion of Mr. Hargrave, the first section of the same Article was amended by striking out the words "by counties or districts, or both," and inserting in lieu thereof "to be elected from the several counties of this State."

Mr. Swain moved to adopt the amendments reported on yester-

day by the Committee to whom had been referred the subject of Borough Representation.

And on motion, the Convention adjourned.



THURSDAY, JUNE 25, 1835.

The Convention met pursuant to adjournment. Prayer by the Rev. Mr. Jamieson.

Mr. Dockery submitted the following Resolution:

Resolved, That during the remainder of the session of this Convention, there shall be a recess each day from 1 o'clock, P. M. to 3 o'clock, P. M.

On motion of Mr. Speight, of Greene,

The Convention proceeded to consider the said Resolution; and Mr. Shober moved to amend, by inserting after the word "Convention," the words "from and after Monday next."

On motion of Mr. Gaston, of Craven,

Ordered, That the Resolution do lie upon the table.

On motion of Mr. Collins,

Ordered, That the Committee of 26 be instructed to report a plan for districting the State for Senators, and apportioning the members in the House of Commons.

On motion of Mr. Fisher,

Ordered, That the Committee of the Whole be discharged from the consideration of the 13th Resolution.

The Convention proceeded to consider the said Resolution, which was adopted in the following words:

Resolved, That a Committee be appointed to enquire whether any, and if any, what amendments may be proper, providing that the Attorney-General shall be elected for a term of years.

Messrs. Harrington, Roulhac, Joiner, Jones, of Wilkes, and Andres compose the Committee raised by said Resolution.

On motion of Mr. Fisher,

Ordered, That the Committee of the Whole be discharged from the consideration of the 14th Resolution.

The said Resolution was read and adopted as follows:

Resolved, That a Committee be appointed to enquire and report whether any, and if any, what amendments should be made providing a tribunal whereby Judges of the Supreme and Superior Courts, and other Officers of the State, may be impeached and tried for corruption and mal-practices in office.

Messrs. Morehead, Dockery, McPherson, Guinn and Gary compose the Committee raised by the Resolution.

On motion of Mr. Fisher,

Ordered, That the Committee of the Whole be discharged from the consideration of the 15th Resolution.

The said Resolution was then read and adopted, as follows:

Resolved, that a Committee be appointed to enquire and report whether any, and if any, what amendments should be made vacating the office of a Justice of the Peace, and disqualifying him from holding such appointment upon conviction of an infamous crime or of corruption and mal-practice in office.

Messrs. Hill, Hall, Hargrave, Hussey and Hooker compose the Committee.

On motion of Mr. Fisher,

Ordered, That the Committee of the whole be discharged from the consideration of the 16th Resolution.

The Convention proceeded to consider the said Resolution, and it was adopted, as follows:

Resolved, That a Committee be appointed to enquire and report whether any, and if any, what amendments should be made providing for the removal of any of the Judges of the Supreme or Superior Courts for mental or physical inability, upon a concurrent Resolution of two-thirds of both branches of the Legislature.

Messrs. Toomer, Hogan, Spaight, of Craven, Chalmers and Calvert compose the Committee.

On motion of Mr. Fisher,

Ordered, That the Committee of the Whole be discharged from the consideration of the following Resolution:

Resolved, That a Committee be appointed to enquire and report whether any, and if any, what amendments should be made providing that the salaries of the Judges shall not be diminished during their continuance in office.

The Convention proceeded to consider the said Resolution; and on the question that it be adopted, it was decided in the affirmative.

On motion of Mr. Gaston, of Craven,

Ordered, That said Resolution be referred to the same Committee to whom referred the 16th Resolution.

On motion of Mr. Fisher,

Ordered, That the Committee of the Whole be discharged from the consideration of the 18th Resolution.

The Convention proceeded to consider the Resolution, and it was adopted, as follows:

Resolved, That a Committee be appointed to enquire and report whether any amendments ought to be made, and if so, what amendments are proper, to provide against unnecessary private legislation.

Messrs. Meares, Edwards, Cox, Cansler and Bunting compose the Committee.

On motion of Mr. Collins,

Ordered, that the Committee of the whole be discharged from the consideration of the following Resolution :

Resolved, that a Committee be appointed to enquire and report whether it be proper to make any amendment, and if so, what amendment, so as to provide that no Judge of the Supreme Court shall be eligible to any office, nor any Judge of the Superior Court to any other office than that of Judge of the Supreme Court, while retaining his judicial appointment.

The Convention proceeded to consider the said Resolution ; and the question being on its adoption, it was determined in the affirmative.

On motion of Mr. Collins,

Ordered, That the said Resolution be referred to the same Committee to whom was referred the 16th Resolution.

Mr. Cooper moved that the Convention resolve itself into a Committee of the Whole, to take into consideration the 9th Resolution, proposing that a Committee be appointed to enquire and report whether any, and if any, what amendments be proper to be made in the 32d Article of the Constitution, which was heretofore referred to it, and made the special order for this day.

Mr. Edwards moved to postpone this order of the day until tomorrow ; which motion having precedence, the question was taken on the postponement and determined in the affirmative.

The Convention proceeded to consider the unfinished business of yesterday, being the question, on the motion of Mr. Swain, to adopt the amendments reported by the Committee on Borough Representation.

And, on the question of concurring with the report, it was decided in the negative. Yeas 50—Nays 73.

The Yeas and Nays were required by one fifth of the members present on the call of Mr. Biggs.

Those who voted in the affirmative, were

Messrs. Andres, Bower, Barringer, Bryan, Bailey, Bunting, Brodnax, Cox, Cansler, Chalmers, Carson (*Rutherford*), Collins, Dockery, Dobson, Fisher, Franklin, Gaston (*Craven*), Gaston (*Hyde*), Gray, Giles, Gudger, Hill, Hooker, Jones (*Wilkes*), Joiner, King, Kelly, McQueen, McDiarmid, Morehead, Martin, Meares, Moore, Outlaw, Owen, Powell (*Robeson*), Roulhac, Swain, Skinner, Spaight (*Craven*), Speight (*Greene*), Shipp, Sanders, Shober, Troy, Toomer, White, Williams (*Pitt*), Wellborn and Young—50 Yeas.

Those who voted in the negative were

Messrs. Averitt, Arrington, Adams, Bonner, Baxter, Brittain, Biggs, Birchett, Boddie, Crudup, Cathey, Cooper, Calvert, Chambers, Daniel, Elliott, Edwards, Ferebee, Faison, Gatling, Gaither, Graves, Gilliam, Guinn, Grier, Gaines, Gary, Hall, Hogan, Hargrave, Hussey, Hodges

Huggins, Howard, Hutcheson, Harrington, Halsey, Holmes, Jones (*Wake*), Jervis, Jacocks, Lea, Macon, Morris, McMillan, Melchor, McPherson, Marchant, Marsteller, Montgomery, Norcom, Powell (*Columbus*), Pearsall, Parker, Pipkin, Ruffin, Ramsay (*Chatham*), Ramsay (*Pasquotank*), Styron, Sawyer, Sugg, Stallings, Smith (*Orange*), Smith (*Yancy*), Seawell, Spruill, Tayloe, Wilson (*Edgecomb*), Wilson (*Perquimons*), Williams (*Franklin*), Williams (*Person*), Welch and Wilder—73 Nays.

Mr. Gaston, of Craven, submitted the following amendment :

“ That in addition to the one hundred and twenty Representatives chosen, as hereinbefore prescribed, by the Counties of this State, there shall be biennially chosen one Representative in the House of Commons, from each of the towns of Fayetteville, Newbern and Wilmington.

And on the question that the amendment be adopted, it was decided in the negative. Yeas 47—Nays 75.

The Yeas and Nays were required by one fifth of the members present on the call of Mr. Marchant.

Those who voted in the affirmative, were

Messrs. Andres, Bower, Barringer, Bryan, Bailey, Bunting, Brodnax, Cox, Cansler, Chalmers, Carson (*Rutherford*), Dockery, Dobson, Elliott, Fisher, Franklin, Gaston (*Craven*), Gaines, Gray, Giles, Gudger, Hill, Jones (*Wilkes*), Joiner, King, Kelly, McQueen, McMillan, Melchor, McIarmid, Morehead, Martin, Meares, Moore, Outlaw, Owen, Powell (*Robeson*), Skinner, Spaight (*Craven*), Speight (*Greene*), Shipp, Shober, Troy, Tomer, White, Wellborn and Young—47 Yeas.

Those who voted in the negative were

Messrs. Averitt, Arrington, Adams, Bonner, Baxter, Brittain, Biggs, Birchett, Boddie, Crudup, Cathey, Cooper, Calvert, Chambers, Collins, Daniel, Edwards, Ferebee, Faison, Gatling, Gaither, Graves, Gilliam, Gaston (*Hyde*), Guinn, Grier, Gary, Hall, Hogan, Hargrave, Hussey, Hooker, Hodges, Huggins, Howard, Hutcheson, Harrington, Halsey, Holmes, Jones (*Wake*), Jervis, Jacocks, Lea, Macon, Morris, McPherson, Marchant, Marsteller, Montgomery, Norcom, Powell (*Columbus*), Pearsall, Parker, Pipkin, Ruffin, Ramsay (*Chatham*), Ramsay (*Pasquotank*), Roulhac, Styron, Sawyer, Sugg, Stallings, Sanders, Smith (*Orange*), Smith (*Yancy*), Seawell, Spruill, Tayloe, Wilson (*Edgecomb*), Wilson (*Perquimons*), Williams (*Franklin*), Williams (*Person*), Williams (*Pitt*), Welch, and Wilder—75 Nays.

Messrs. Gaston, of Craven, Morehead, Daniel, Ruffin, Ramsay, of Chatham, Ramsay, of Pasquotank, and Rayner were appointed by the President to compose the Committee on Enrolments.

And on motion, the Convention adjourned.

FRIDAY, JUNE 26, 1835.

The Convention met, pursuant to adjournment. Prayer by the Rev. Dr. McPheeters.

On motion of Mr. Giles,

Ordered, That Mr. Barringer have leave of absence from the service of the Convention during the remainder of the session.

Mr. Edwards moved that the Convention resolve itself into a Committee of the Whole, according to the order of the day, on the Resolution proposing that a Committee be appointed to enquire and report whether any, and if any, what amendments be proper to be made in the 32d Article of the Constitution.

The question having been stated, Mr. Smith, of Orange, moved to lay the *order of the day* on the table.

A question of order arising on the motion of Mr. Smith, the President decided that it was in order.

From this decision of the Chair, Mr. Spaight, of Craven, appealed to the Convention.

And on the question, Is the decision of the President correct? it was determined in the affirmative.

The question was then taken; and the Convention refused to lay the order of the day on the table—Yeas 49, Nays 72.

The Yeas and Nays were required by one-fifth of the members present, at the call of Mr. Smith, of Orange.

Those who voted in the affirmative were

Messrs. Averitt, Adams, Biggs, Birchett, Boddie, Cathey, Cox, Cooper, Chalmers, Carson (*Rutherford*), Dockery, Elliott, Franklin, Grier, Gaines, Gudger, Hogan, Hussey, Hooker, Hutcheson, Jones (*Wake*), Jarvis, Joiner, King, Lea, McQueen, Morris, Melchor. Morehead, Martin, Montgomery, Moore, Powell (*Columbus*), Pearsall, Parker, Ramsay (*Chatham*), Styron, Sugg, Speight (*Greene*), Smith (*Orange*), Seawell, Sherard, Shober, Spruill, Wilson (*Edgecomb*), Welch, Wooten, Wilder and Young—49 Yeas.

Those who voted in the negative were

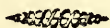
Messrs. Arrington, Bower, Bonner, Bryan, Baxter, Branch, Brittain, Bailey, Bunting, Brodnax, Crudup, Cansler, Calvert, Chambers, Collins, Daniel, Dobson, Edwards, Ferebee, Fisher, Faison, Gatling, Gaither, Graves, Gaston (*Craven*), Gaston (*Hyde*), Gilliam, Guinn, Gary, Gray, Giles, Hall, Hargrave, Hodges, Huggins, Howard, Harrington, Holmes, Jones (*Wilkes*), Jacocks, Kelly, Macon, McMillan, McPherson, Marchant, Marsteller, Meares, Norcom, Outlaw, Owen, Pipkin, Powell (*Robeson*), Ruffin, Rayner, Ramsay (*Pasquotank*), Roulhac, Swain, Sawyer, Skinner, Spaight (*Craven*), Stallings, Shipp, Sanders, Smith (*Yancy*), Tayloe, Troy, Toomer, White, Williams (*Franklin*), Williams (*Pitt*), Wilson (*Perquimons*), and Wellborn—72 Nays.

The question recurring on the motion of Mr. Edwards, it was determined in the affirmative.

And the Convention resolved itself into a Committee of the Whole, according to the order of the day. Mr. Fisher in the Chair, on the 9th Resolution proposing that a Committee be appointed to enquire whether any, and if any, what amendments be proper to be made in the 32d Article of the Constitution. And after some time spent therein, the President resumed the Chair, and Mr. Fisher reported that the Committee had, according to order, had the said resolution under consideration, but not having gone through the same, had instructed him to ask for leave to sit again.

And on the question that the Committee of the Whole have leave to sit again, it was determined in the affirmative.

And on motion, the Convention adjourned.



SATURDAY, JUNE 27, 1835.

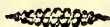
The Convention met pursuant to adjournment. Prayer by the Rev. Mr. Jamieson.

On motion of Mr. Edwards,

The Convention, according to the Order of the day, again resolved itself into a Committee of the Whole. Mr. Fisher in the Chair, on the 9th Resolution, proposing that a Committee be appointed to enquire whether any, and if any, what amendments be proper to be made in the 32d Article of the Constitution. And after some time spent therein, the President resumed the Chair, and Mr. Fisher reported that the Committee had, according to order, again had the said Resolution under consideration, but not having gone through the same, had instructed him to ask for leave to sit again.

And, on the question that the Committee of the whole have leave to sit again, it was decided in the affirmative.

On motion, the Convention adjourned.



MONDAY, JUNE 29, 1835.

The Convention met pursuant to adjournment. Prayer by the Rev. Dr. McPheters, of the Presbyterian Church.

On motion of Mr. Dockery, the Convention took up for consideration the following Resolution :

Resolved, That during the remainder of the session of this Convention, there shall be a recess each day from 1 o'clock, P. M. to 3 o'clock, P. M.

On motion of Mr. Shober,

Ordered, That the said Resolution lie on the table.

On motion of Mr. Edwards,

The Convention, according to the order of the day, again resolved itself into a Committee of the whole, Mr. Fisher in the Chair, on the 9th Resolution, proposing that a Committee be appointed to enquire whether any, and if any, what amendments be proper to be made in the 32d Article of the Constitution; and after some time spent therein, the President resumed the Chair, and Mr. Fisher reported, that the Committee had, according to order, again had the said Resolution under consideration, and made further progress therein, but not having gone through the same, had instructed him to ask leave to sit again.

And, on the question that the Committee of the Whole have leave to sit again, it was determined in the affirmative.

Mr. Morehead, from the Committee to whom was referred the 14th Resolution, reported the following Article:

Sec. 1. That the Governor, Judges of the Supreme Court and Superior Courts, and all other Officers of this State, (except Justices of the Peace and Militia Officers,) may be impeached for wilfully violating any part of this Constitution, mal-administration, or corruption. But judgment in cases of impeachment, shall not extend further than to removal from Office, and disqualification, to hold and enjoy any office of honor, trust or profit, under this State; but the party convicted may nevertheless be liable and subject to indictment, trial, judgment and punishment according to Law.

Sec. 2. That the House of Commons shall have the sole power of impeachment. That the Senate shall have the sole power to try all impeachments; and no person shall be convicted upon any impeachment, unless two-thirds of the Senators present shall concur in such conviction. Before the trial of an impeachment, the members of the Senate shall take an oath or affirmation, truly and impartially to try and determine the charge in question according to evidence.— And upon the trial of an impeachment, the Chief-Justice of this State shall preside, unless the Chief Justice be impeached, or from inability or other sufficient cause, to be adjudged of by the Senate, he shall be excused by the Senate from presiding; then the Senate may appoint some other person to preside.

The Article was read the first time; and on motion of Mr. Morehead, ordered to be printed.

Mr. Harrington, from the Committee to whom was referred the 15th Resolution instructing them to enquire what amendments may be proper providing that the Attorney General shall be elected for a term of years, reported:

That it is expedient to amend the 13th section of the Constitution by striking out after the word "*Admirally*" the words "*and an Attorney General,*" and to insert between the words "*Equity*" and "*Judges*" the word "*and,*" so as to make the 13th section read as follows:

13th Section. That the General Assembly shall by joint ballot of both Houses, appoint Judges of the Supreme Courts of Law and Equity and Judges of Admiralty, who shall be commissioned by the Governor, and hold their offices during good behavior.

Additional Section.—That the General Assembly shall, by joint ballot of both Houses, appoint from time to time, an Attorney General, who shall be commissioned by the Governor, and hold his office for a term of years.

The sections were read the first time, and on motion of Mr. Harrington, ordered to be printed.

Mr. Owen, from the Committee to whom was referred the 10th Resolution, reported the following Article:

If vacancies shall occur by death, resignation or otherwise, before the meeting of the General Assembly, writs may be issued by the Governor, under such regulations as may be prescribed by law.

The Article was read the first time, and on motion of Mr. Owen, ordered to be printed.

And, on motion, the Convention adjourned.



TUESDAY, JUNE 30, 1835.

The Convention met pursuant to adjournment. Prayer by the Rev. Mr. Jamieson, of the Methodist Episcopal Church.

On motion of Mr. Edwards,

The Convention again resolved itself into a Committee of the Whole, according to the order of the day, Mr. Fisher in the Chair, on the 9th Resolution, proposing that a Committee be appointed to enquire whether any, and if any, what amendments be proper to be made in the 32d Article of the Constitution. And after some time spent therein, the President resumed the Chair, and Mr. Fisher reported that the Committee had, according to order, again had the said Resolution under consideration, and made the following amendment thereto:

Strike out all after the word 'Resolved,' and insert in lieu thereof "That the 32d section of the Constitution be so amended as to strike out the word "*Protestant*" and instead thereof to insert the word "*Christian*."

And on motion, the Convention adjourned.

WEDNESDAY, JULY 1, 1835.

The Convention met pursuant to adjournment. Prayer by the Rev. Dr. McPheeters, of the Presbyterian Church.

Mr. Swain, from the Committee to whom was referred the Resolution instructing them to enquire what amendments are necessary to be made in the 5th and 7th Articles of the Constitution in relation to the residence and qualifications of persons voting for Senators, and of persons eligible to the Senate, reported the following Articles, as proper to be incorporated into the amended Constitution:

That each member of the Senate shall have usually resided in the District for which he is chosen, for one year, immediately preceding his election, and for the same time shall have possessed, and continue to possess in the District which he represents, not less than three hundred acres of land in fee.

That all free men of the age of twenty-one years, who have been inhabitants of any one District within the State, twelve months immediately preceding the day of any election, and possessed of a freehold, within the same District, of fifty acres of land, for six months next before, and at the day of election, shall be entitled to vote for a member of the Senate.

The Articles were read the first time, and on motion of Mr. Edwards, ordered to be printed.

Mr. Toomer, from the Committee to whom was referred the 16th, 17th and 19th Resolutions, reported the following Articles:

1. That any Judge of the Supreme or Superior Courts may be removed from office for mental or physical inability, upon a concurrent Resolution of two-thirds of both branches of the General Assembly. The Judge, against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied with a copy of the causes alleged for his removal, at least twenty days before the day on which either branch of the General Assembly shall act thereon.

2. That the salaries of the Judges of the Supreme and Superior Courts shall not be diminished during their continuance in office.

These Articles were read the first time, and on motion of Mr. Toomer, ordered to be printed.

Mr. Toomer, from the same Committee, reported that it was unnecessary to make any amendment, "so as to provide that no Judge of the Supreme Court shall be eligible to any office, nor any Judge of the Superior Court to any other office than that of Judge of the Supreme Court, while retaining his Judicial appointment."

Mr. Hill, from the Committee to whom was referred the 15th Resolution, reported the following Article:

That upon the conviction of any Justice of the Peace of an infamous crime, or of corruption and mal-practice in office, before the Superior Court held in the county in which he resides, the Commission

of said Justice of the Peace shall be vacated and he shall be forever disqualified from holding such appointment.

The Article was read the first time, and on motion of Mr. Hill, ordered to be printed.

On motion of Mr. Edwards,

The Convention proceeded to consider the unfinished business of yesterday, being the Report of the Committee of the Whole on the 9th Resolution.

And the amendment reported by the Committee of the Whole having been read, Mr. Edwards moved to amend the amendment by striking out all after the word "That," and inserting in lieu thereof as follows: "All men having a natural and unalienable right to worship Almighty God, according to the dictates of their own consciences, all religious tests as qualifications for office are incompatible with the principles of free government."

The Yeas and Nays were required by one fifth of the members present, on the call of Mr. Edwards.

Those who voted in the affirmative were

Messrs. Andres, Bonner, Bryan, Branch, Bunting, Carson (*Burke*,) Calvert, Daniel, Edwards, Gaston (*Craven*,) Gaston (*Hyde*,) Hall, Hodges, Huggins, Howard, Harrington, Jacocks, Kelly, Macon, McPherson, Marchant, Marsteller, Meares, Outlaw, Owen, Rayner, Roulhac, Swain, Sawyer, Skinner, Spaight (*Craven*,) Sanders, Tayloe, Troy, Williams (*Franklin*,) Wilson (*Perquimons*,)—36 Yeas.

Those who voted in the negative were

Messrs. Averitt, Arrington, Bower, Baxter, Brittain, Biggs, Birchett, Brodnax, Boddie, Crudup, Cathey, Cox, Cansler, Cooper, Chalmers, Chambers, Dockery, Dobson, Elliott, Ferebee, Fisher, Faison, Franklin, Gatling, Gaither, Graves, Gilliam, Guinn, Grier, Gaines, Gary, Gray, Giles, Guder, Hill, Hogan, Hargrave, Hussey, Hooker, Hutcheson, Halsey, Holmes, Jones (*Wake*,) Jones (*Wilkes*,) Jervis, Joiner, King, Lea, Lesueur, McQueen, Morris, McMillan, Melchor, McDiarmid, Morehead, Martin, Montgomery, Moore, Norcom, Powell (*Columbus*,) Powell (*Robeson*,) Pearsall, Parker, Pipkin, Ruffin, Ramsay (*Chatham*,) Ramsay (*Pasquotank*,) Styron, Sugg, Stallings, Speight (*Greene*,) Shipp, Sherard, Smith (*Fancy*,) Shoher, Spruill, Toomer, White, Wilson (*Edgecomb*,) Welch, Wooten, Williams (*Person*,) Williams (*Pitt*,) Whitfield, Wellborn, Wilder and Young—87 Nays.

So the amendment to the amendment was rejected, Yeas 36, Nays 87.

Mr. Jacocks moved to amend, by striking from the amendment reported by the Committee of the Whole, all after the word "That," and inserting "it is proper to amend the 32d Article of the Constitution, so as to substitute in lieu thereof the following: *No person who shall deny the being of God shall be capable of holding any office or place of trust or profit in the civil department within this State; provided, that the liberty of Conscience hereby secured, shall not be construed to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State.*

The question being had thereon, it was decided in the negative—Yeas 42. Nays 82.

The Yeas and Nays were required by one fifth of the members present, on the call of Mr. Jacocks.

Those who voted in the affirmative were

Messrs. Andres, Averitt, Bonner, Bryan, Branch, Bunting, Birchett, Carson (*Burke*,) Chalmers, Calvert, Daniel, Edwards, Gaston (*Craven*,) Gaston (*Hyde*,) Gilliam, Hill, Hall, Hodges, Huggins, Howard, Harrington, Holmes, Jacocks, Macon, McPherson, Marchant, Marsteller, Meares, Outlaw, Owen, Powell (*Robeson*,) Rayner, Roulhac, Swain, Sawyer, Skinner, Spaight (*Craven*,) Sanders, Tayloe, Troy, Williams (*Franklin*,) Wilson (*Perquimons*,)—42 Yeas.

Those who voted in the negative were

Messrs. Arrington, Bower, Baxter, Brittain, Biggs, Brodnax, Boddie, Crudup, Cathey, Cox, Cansler, Cooper, Chambers, Dockery, Dobson, Elliot, Ferebee, Fisher, Faison, Franklin, Gatling, Gaither, Graves, Guinn, Grier, Gaines, Gary, Gray, Giles, Gudger, Hogan, Hargrave, Hussey, Hooker, Hutcheson, Halsey, Jones (*Wake*,) Jones (*Wilkes*,) Jervis, Joiner, King, Kelly, Lea, Lesueur, McQueen, Morris, McMillan, Melchor, McDiarmid, Morehead, Martin, Montgomery, Moore, Norcom, Powell (*Columbus*,) Pearsall, Parker, Pipkin, Ruffin, Ramsay (*Chatham*,) Ramsay (*Pasquotank*,) Styron, Sugg, Stallings, Speight (*Greene*,) Shipp, Seawell, Sherard, Smith (*Yancy*,) Shober, Spruill, Toomer, White, Wilson (*Edgecomb*,) Welch, Wooten, Williams (*Person*,) Williams (*Pitt*,) Whitfield, Wellborn, Wilder and Young—82 Nays.

Mr. Holmes moved to amend the amendment by striking out all after the word "That," and inserting "it is proper to amend the 32d Article of the Constitution, so as to substitute in lieu thereof the following: *No person who shall deny the being of God, shall be capable of holding any office or place of trust or profit in the civil department within this State. The exercise and enjoyment of every religious profession and worship, without discrimination, shall forever be free to all persons in this State; Provided the right hereby declared and established, shall not be so construed as to excuse or justify practices incompatible with the freedom and safety of the State; and provided further, that no preference shall ever be given by law to any religious sect or mode of worship.*

And the question being taken thereon, it was determined in the negative—Yeas 46, Nays 78.

The Yeas and Nays were required by one-fifth of the members present, on the call of Mr. Holmes.

Those who voted in the affirmative, were

Messrs. Andres, Averitt, Bonner, Bryan, Branch, Bunting, Birchett, Carson (*Burke*,) Chalmers, Calvert, Daniel, Edwards, Ferebee, Faison, Gaston (*Craven*,) Gaston (*Hyde*,) Gilliam, Hill, Hall, Hodges, Huggins, Howard, Harrington, Holmes, Jacocks, Macon, McPherson, Marchant, Marsteller, Meares, Outlaw, Owen, Pipkin, Powell (*Robeson*,) Rayner, Ramsay (*Pasquotank*,) Roulhac, Swain, Sawyer, Skinner, Spaight (*Craven*,) Sanders, Tayloe, Troy, Williams (*Franklin*,) Wilson (*Perquimons*,)—46 Yeas.

Those who voted in the negative were

Messrs. Arrington, Bower, Baxter, Brittain, Biggs, Brodnax, Boddie, Crudup, Cathey, Cox, Cansler, Cooper, Chambers, Dockery, Dobson, Elliott, Fisher, Franklin, Gatling, Gaither, Graves, Guinn, Grier, Gaines, Gary, Gray, Giles, Gudger, Hogan, Hargrave, Hussey, Hooker, Hutcheson, Halsey, Jones (*Wake*), Jones (*Wilkes*), Jervis, Joiner, King, Kelly, Lea, Lesueur, McQueen, Morris, McMillan, Melchor, McDiarmid, Morehead, Martin, Montgomery, Moore, Norcom, Powell (*Columbus*), Pearsall, Parker, Ruffin, Ramsay (*Chatham*), Styron, Sugg, Stallings, Speight (*Greene*), Shipp, Seawell, Sherard, Smith (*Yancy*), Shober, Spruill, Toomer, White, Wilson (*Edgecomb*), Welch, Wooten, Williams (*Person*), Williams (*Pitt*), Whitfield, Wellborn, Wilder and Young—78 Nays.

Mr. Daniel moved to amend the amendment by striking out all after the word "That," and inserting in lieu thereof the following: "it is expedient to remove the disqualifications for office contained in the 32d Article, from all who do not deny the being of a God and an accountability to him for the deeds done in the body."

And the question being taken thereon, it was decided in the negative—Yeas 46. Nays 80.

The Yeas and Nays were required by one-fifth of the members present, on the call of Mr. Daniel.

Those who voted in the affirmative were

Messrs. Andres, Averitt, Bonner, Bryan, Branch, Bailey, Bunting, Birchett, Carson (*Burke*), Chalmers, Calvert, Collins, Daniel, Edwards, Ferebee, Gaston (*Craven*), Gaston (*Hyde*), Gilliam, Hill, Hall, Hodges, Hugins, Howard, Harrington, Holmes, Jacocks, Macon, McPherson, Marchant, Marsteller, Meares, Outlaw, Owen, Pipkin, Powell (*Robeson*), Rayner, Roulhac, Swain, Sawyer, Skinner, Spaight (*Craven*), Sanders, Tayloe, Troy, Williams (*Franklin*), and Wilson (*Perquimons*),—46 Yeas.

Those who voted in the negative were

Messrs. Arrington, Bower, Baxter, Brittain, Biggs, Brodrick, Boddie, Crudup, Cathey, Cox, Cansler, Cooper, Chambers, Dockery, Dobson, Elliott, Fisher, Faison, Franklin, Gatling, Gaither, Graves, Guinn, Grier, Gaines, Gary, Gray, Giles, Gudger, Hogan, Hargrave, Hussey, Hooker, Hutcheson, Halsey, Jones (*Wake*), Jones (*Will*), Jervis, Joiner, King, Kelly, Lea, Lesueur, McQueen, Morris, McMillan, Melchor, McDiarmid, Morehead, Martin, Montgomery, Moore, Norcom, Powell (*Columbus*), Pearsall, Parker, Ruffin, Ramsay (*Pasquotank*), Styron, Sugg, Stallings, Speight, Sherard, White, Wilson (*Edgecomb*), Welch, (*Yancy*), Shober, Spruill, Williams (*Person*), Whitfield, Wellborn, Wilder, Wooten, Williams (*Pitt*) and Young—80 Nays.

Mr. Outlaw moved to amend the amendment by adding thereto, "and suitable with the freedom and safety of the State." And the question being taken thereon, it was decided in the negative. Yeas 39, Nays 87.

The Yeas and Nays were required by one fifth of the members present, on the call of Mr. Ramsay, of Pasquotank.

Those who voted in the affirmative were

Messrs. Bonner, Bryan, Branch, Bailey, Bunting, Birchett, Carson (*Burke*), Calvert, Collins, Daniel, Edwards, Ferebee, Gaston (*Craven*), Gaston (*Hyde*), Gilliam, Hill, Hall, Hodges, Huggins, Howard, Harrington, Holmes, Jacocks, Macon, McPherson, Marchant, Marsteller, Meares, Outlaw, Rayner, Roulhac, Swain, Sawyer, Skinner, Spaight (*Craven*), Sanders, Tayloe, Troy, Wilson (*Perquimons*),—39 Yeas.

Those who voted in the negative were

Messrs. Andres, Averitt, Arrington, Bower, Baxter, Brittain, Biggs, Brodnax, Boddie, Crudup, Cathey, Cox, Cansler, Cooper, Chalmers, Chambers, Dockery, Dobson, Elliott, Fisher, Faison, Franklin, Gatling, Gaither, Graves, Guinn, Grier, Gaines, Gary, Gray, Giles, Gudger, Hogan, Hargrave, Hussey, Hooker, Hutcheson, Halsey, Jones (*Wake*), Jones (*Wilkes*), Jervis, Joiner, King, Kelly, Lea, Lesueur, McQueen, Morris, McMillan, Melchor, McDiarmid, Morehead, Martin, Montgomery, Moore, Norcom, Owen, Powell (*Columbus*), Powell (*Robeson*), Pearsall, Parker, Pipkin, Ruffin, Ramsay (*Chatham*), Ramsay (*Pasquotank*), Styron, Sugg, Stallings, Speight (*Greene*), Shipp, Seawell, Sherard, Smith (*Yancy*), Shober, Spruill, Toomer, White, Welch, Wilson (*Edgecomb*), Williams (*Franklin*), Williams (*Person*), Williams (*Pitt*), Wooten, Whitfield, Wellborn, Wilder and Young—87 Nays.

The question then recurred on the amendment reported from the Committee of the Whole, and was decided in the affirmative—Yeas 74—Nays 51.

The Yeas and Nays were required by one-fifth of the members present on the call of Mr. Carson, of Burke.

Those who voted in the affirmative, were

Messrs. Andres, Bonner, Bryan, Baxter, Brittain, Biggs, Bailey, Bunting, Birchett, Brodnax, Carson (*Burke*), Crudup, Cansler, Cathey, Chalmers, Calvert, Collins, Daniel, Dobson, Elliott, Edwards, Ferebee, Fisher, Franklin, Gaither, Gaston (*Craven*), Gaston (*Hyde*), Gilliam, Guinn, Gaines, Gary, Gray, Giles, Gudger, Hill, Hall, Hodges, Huggins, Harrington, Jervis, Jones (*Wilkes*), Jacocks, King, Kelly, Lesueur, Macon, McMillan, McPherson, Marchant, Martin, Marsteller, Meares, Outlaw, Pipkin, Powell (*Robeson*), Ruffin, Joiner, Ramsay (*Pasquotank*), Roulhac, Swain, Sawyer, Skinner, Spaight (*Craven*), Shipp, Sanders, Smith (*Yancy*), Tayloe, Troy, White, Williams (*Franklin*), Williams (*Pitt*), Welch, Wellborn and Young—74 Yeas.

Those who voted in the negative

Messrs. Averitt, Arrington, Bower, Branch, Boddie, Cox, Cooper, Chambers, Dockery, Faison, Gatling, Graves, Grier, Joiner, Lea, McQueen, Morris, Melchor, McDiarmid, Morehead, Montgomery, Norcom, Owen, Powell (*Columbus*), Pearsall, Parker, Ramsay, Sugg, Stallings, Speight (*Greene*), Seawell, Sherard, Shober, Spruill, Toomer, Wilson (*Edgecomb*), Wilson (*Perquimons*), Wooten, Williams (*Person*), Whitfield and Wilder—51 Nays.

The Resolution, as amended, was read and adopted.

On motion of Mr. Fisher,

Ordered, That said Resolution be referred to a Committee, with instructions to report an amendment according thereto.

Messrs. Carson, of Burke, Elliott, Chambers, Averitt and Baxter compose the Committee.

Mr. Swain, from the Committee to whom the subject had been referred, made the following Report:

The Committee who were instructed by the Convention to arrange the Senatorial Districts, and apportion the members of the House of Commons, in this State, respectfully report the accompanying Scheme, as proper to be incorporated in the Ordinance to be prepared for the purpose of carrying the amended Constitution into effect.

The Sub-Committee, to whom was referred so much of the first Resolution, reported by the Committee of Thirteen, as refers to the formation of the Senatorial Districts, and the apportionment of Members of the House of Commons, have had the same under consideration, and agreed to the following Report: which is respectfully submitted.

JOSIAH COLLINS, Jun.

Chairman of Sub-Committee.

The average amount of taxation for Five years, throughout the State, is \$71,706—which divided by 50 (the number of Senators,) gives **\$1434**, as the Ratio of Representation in the Senate.

The 1st District is composed of

Perquimons paying \$ 819 average tax for 5 years.
Pasquotank, 1051

Ratio, $\frac{1870}{1434}$

2nd District, Camden, 436 Excess
Currituck, 596
515

Ratio, $\frac{1547}{1434}$

3d District, Gates, 113 Excess carried to Tyrrell.
Chowan, 794
946

Ratio, $\frac{1740}{1434}$

4th Do, Washington, 306 Excess carried to Wash.
Tyrrell, 561
443
Excess from Currituck, 113

Ratio, $\frac{1433}{1434}$
11 Deficient.

5th District.	Northampton,	Ratio,	1939 1434	
6th Do.	Hertford,		505 1031	Excess.
		Ratio,	1536 1434	
			102	Excess lost,
7th Do.	Bertie,	Ratio,	1631 1434	
8th Do.	Martin,		197 842	Excess.
	Excess from Halifax,		395	
		Ratio,	1434 1434	
9th Do.	Halifax,	Ratio,	2177 1434	
			743 395	Excess. carried to Martin.
10th Do.	Nash,		348 906	
	Excess from Wake,		180	
		Ratio,	1434 1434	
11th Do.	Wake,	Ratio.	2477 1434	
			1043 180	Excess Carried to Nash.
12th Do.	Franklin,		863 1121	
		Ratio,	1984 1434	
13th Do.	Johnston,		550 983	Excess.
		Ratio,	1533 1434	
14th Do.	Warren,		99 1494	Ex. Wake to Chatham
		Ratio,	1434	
15th Do.	Edgecomb,		60 1964	Excess lost.
		Ratio,	1434	
16th Do.	Wayne,		530 1018	Excess
			1548	

Brought over,		1548
	Ratio,	1434
		<hr/> 114 Excess.
17th Do.	Greene,	681
	Lenoir,	690
		<hr/> 1485
	Ratio,	1434
		<hr/> 51 Excess.
18th Do.	Pitt,	1240
	Ex. fr. Beaufort & Hyde,	143
		<hr/> 1434
	Ratio,	1434
		<hr/> 1190
19th Do.	Beaufort,	469
	Hyde,	
		<hr/> 1659
	Ratio,	1434
		<hr/> 225 Excess.
		143 carried to Pitt.
		<hr/> 82 Excess,
20th Do.	Carteret,	435
	Jones,	589
	Excess from Craven,	259
		<hr/> 1365
	Ratio,	1434
		<hr/> 69 Deficient.
21st Do.	Craven,	1693
		Ratio, 1434
		<hr/> 259 Ex. car. to Jones & Car.
22nd Do.	Chatham,	1418
	Excess of Wake	99
		<hr/> 1517
	Ratio,	1434
		<hr/> 83 Excess carried to Moore
23d Do.	Granville,	1985
		Ratio, 1434
		<hr/> 551 Excess carried to Person
24th Do.	Person,	937
	Excess from Granville,	551
		<hr/> 1488
	Ratio,	1434
		<hr/> 54 Excess lost.

25th District,	Cumberland,	2348	
	Ratio,	1434	
		914 Excess.	
		400 Carried to Moore.	
26th Do.	Sampson,	514	
		920	
		1434	
	Ratio,	1434	
27th Do.	New Hanover,	2714	
	Ratio,	1434	
28th Do.	Duplin	1280 Excess.	
		891	
		2171	
	Ratio,	1434	
29th Do.	Onslow,	737 Excess	
		647	
		1384	
	Ratio	1434	
		50 Deficient.	
30th Do,	Brunswick,	528	
	Bladen,	697	
	Columbus,	360	
		1585	
	Ratio,	1434	
31st Do.	Robeson,	151 Excess	
	Richmond,	626	
		856	
		1633	
	Ratio,	1434	
32nd District,	Anson.	199 Excess	
		1064	
	Excess from Meck'bg,	506	
		1769	
	Ratio,	1434	
33d District,	Cabarrus,	335 Excess.	
		786	
	do. from Montgomery	769	
		1883	
	Ratio,	1434	
34th District,		449 Excess.	
	Moore,	502	
	Excess from Chatham	63	
	Do from Cumberland	400	
		1414	

Brought over,	1414	
Ratio,	1434	
	<hr/>	20 Deficient
35th District, Caswell,	\$ 1399	
Ratio,	1434	
	<hr/>	35 Deficient
36th District, Rockingham,	1218	
Excess from Orange,	216	
	<hr/>	
	1434	
Ratio,	1434	
37th District, Orange,	\$ 2425	
Ratio,	1434	
	<hr/>	991 Excess
	216	Carried to Rockingham.
	<hr/>	
38th District, Randolph,	775	
	929	
	<hr/>	
	\$ 1704	
Ratio,	1434	
	<hr/>	270 Excess lost.
39th District, Guilford,	\$ 1526	
Ratio,	1434	
	<hr/>	
	92	Excess
40th District, Stokes,	\$ 1231	
	<hr/>	
	1323	
Ratio,	1434	
	<hr/>	111 Deficient,
41st District, Rowan,	\$ 1820	
Ratio,	1434	
	<hr/>	
	386	Excess.
42nd District, Davidson,	\$ 997	
	<hr/>	
	1383	
Ratio,	1434	
	<hr/>	51 Deficient.
43d District, Surry,	\$ 1067	
Ratio,	1434	
	<hr/>	
	367	Deficient
44th District, Wilkes,	\$ 644	
Ashe,	400	
Excess from Burke & Yancy,	149	
	<hr/>	
	1193	

Brought over,	1193	
Ratio,	1434	
	<hr/>	241 Deficient
45th District, Burke,	\$ 1324	
Part of Yancy, = to 4th of Buncombe,	259	
	<hr/>	1583
Ratio,	1434	
	<hr/>	149 Excess carried to Wilkes and Ashe.
46th District, Lincoln,	\$ 2045	
Ratio,	1434	
	<hr/>	611 Excess
47th District, Iredell,	\$ 1126	
	<hr/>	1737
Ratio,	1434	
	<hr/>	303 Excess lost.
48th District Rutherford	1479	
Ratio	1434	
	<hr/>	45 Excess lost.
49th District, Buncombe less 1-4th	780	
Haywood,	303	
Macon,	352	
	<hr/>	1435
Ratio,	1434	
	<hr/>	1 Excess lost
50th District, Mecklenburg,	\$ 1940	
Ratio,	1434	

506 Excess car'd. to Anson.

Districts having Excesses that are lost.

Buncombe, Haywood and Macon,	\$ 1 Excess.
Rutherford,	45
Warren,	60
Hertford,	102
Iredell,	303
Randolph,	270
Person,	54

Total Excesses,	<hr/> 835
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Districts having deficiencies not made up by Taxation, from adjoining Counties.

Washington and Tyrrell,	\$ 11 Deficient
Carteret and Jones,	69
Onslow,	50
Moore,	20
Stokes,	111
Davidson,	51
Surry,	367

Caswell.	35
Wilkes and Ashe,	241
	<hr/>
Total Deficients.	855
Total Excesses,	35
	<hr/>

Deficiency lost in the whole State by rejecting fractions 120.

HOUSE OF COMMONS.

The House of Commons to be apportioned as follows, viz:—
The following counties, deficient in the first Ratio, or the 120th part, entitled to *one* Member each:—

<i>Counties.</i>	<i>Fed. Pop.</i>
Brunswick	5273
Columbus	3709
Chowan	5189
Greene	5264
Haywood	4461
Jones	4378
Macon	5149
Tyrrell	4175
Washington	3867

41,465 Fed. Populat.

Aggregate of Federal Population in the State 640,821

Deduct Fed. Pop. of nine counties not having

120th part of the entire population - 41,465

599,356

120 members, less nine, leaves 111 members to
be apportioned.

599,356 divided by 111 gives 5399 as the ratio for 1 member.

2

10,798 Pop. for 2 members.
5,399

16,197 Pop. for 3 members.

32 Counties, having more than the ratio, but less than twice the
amount, entitled to one member:

	1 Member	1391	Fraction.
Ashe			
Beaufort	do	3904	do
Bladen	do	1163	do
Bertie	do	4144	do
Camden	do	524	do
Currituck	do	1380	do
Carteret	do	560	do
Cabarrus	do	2507	do
Duplin	do	4118	do
Franklin	do	3282	do
Gates	do	2007	do
Hertford	do	1654	do
Hyde	do	7	do
Johnston	do	4083	do
Lenoir	do	756	do
Moore	do	1676	do
Montgomery	do	4602	do

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Martin	do	1828	do
N. Hanover	do	3313	do
Nash	do	1608	do
Northampton	do	5095	do
Onslow	do	1157	do
Person	do	2855	do
Pasquotank	do	2193	do
Pttt	do	4548	do
Perquimons	do	920	do
Robeson	do	3034	do
Richmond	do	2592	do
Sampson	do	4681	do
Warren	do	3547	do
Wayne	do	3525	do
Yancy	do	2613	do

17 Counties, having twice the Ratio, and an excess, entitled to two Members.

Anson	2 Members	1385	Fraction
Buncombe	do	913	do
Burke	do	1530	do
Cumberland	do	2013	do
Chatham	do	2584	do
Craven	do	484	do
Caswell	do	1813	do
Davidson	do	1823	do
Edgecomb	do	1307	do
Granville	do	4890	do
Halifax	do	3025	do
Iredell	do	2647	do
Randolph	do	1023	do
Rockingham	do	413	do
Surry	do	2923	do
Stokes	do	4261	do
Wilkes	do	573	do

7 Counties, having more than three times the Ratio, entitled to three Members.

Guilford	3 Members	1502	Fraction.
Lincoln	do	4505	do
Mecklenburg	do	1017	do
Orange	do	4761	do
Rowan	do	2113	do
Rutherford	do	4	do
Wake	do	957	do

24 Counties entitled to 1 Member each on account of Fractions.

Beaufort	having a Fraction of	3904
Bertie	do	4144
Yancy	do	2613
Duplin	do	4118
Franklin	do	3282
Johnston	do	4083
N. Hanover	do	3313
Pitt	do	4548
Robeson	do	3034
Sampson	do	4681
Warren	do	3567
Wayne	do	3525
Montgomery	do	4602
Northampton	do	5095
Granville	do	4890
Halifax	do	3025
Stokes	do	4261

Lincoln	do	do	4305
Orange	do	do	4761
Person	do	do	2855
Richmond	do	do	2592
Chatham	do	do	2584
Iredell	do	do	2647
Surry	do	do	2928

**RECAPITULATION.**

9 Counties, not having 120th part, entitled to 1 Member each;	9 Members.
32 Counties, having more than the Ratio, but not twice that amount, entitled to 1 Member each,	32 Members.
17 Counties, having more than twice the Ratio but not three times that amount, entitled to 2 Members each,	34 Members
7 Counties, having more than three times the Ratio, but not four times that amount, entitled to three Members each,	21 Members
24 Counties, entitled by Fractions, to 1 Member each,	24 Members
	<hr/>
	120 Whole Number.

On motion of Mr. Collins,

Ordered, That the Report be referred to a Committee of the Whole, and made the special order of the day for to-morrow, and that it be printed.

And, on motion, the Convention adjourned.



THURSDAY, JULY 2, 1835.

The Convention met pursuant to adjournment. Prayer by the Rev. Mr. Closs, of the Methodist Episcopal Church.

Mr. Hodges, from the Committee to whom was referred the 7th Resolution, reported that it is inexpedient to change the present mode of appointing and removing from office Militia Officers.

Mr. Hodges, from the same Committee, reported the following Article:

That a competent number of Justices of the Peace for each Captain's District in the several Counties of this State, not exceeding four in the district wherein the Court-house for the county is situated, and not exceeding 3 in any other District, shall in future be recommended to the Governor for the time being, by the respective County Courts, a majority of the Justices being present, and the Governor shall commission them accordingly. They may be removed from office by conviction on indictment in the Superior Court for mal-practice in office, or for any felonious or infamous crime, or by the Governor on the address of two-thirds of each branch of the General Assembly.

The Article was read the first time, and, on motion of Mr. Edwards, ordered to be printed.

Mr. Gaither, from the Committee, to whom was referred the 5th Resolution, reported the following Article :

That no person who holds any office or place of trust or profit under the United States, or either of them, or under any foreign power, shall hold or exercise any office or place of trust or profit under this State :—And, that no person shall be eligible to a seat in the Legislature, whilst he holds any office or place of trust or profit under this State, (any appointment in the Militia, and Justice of the peace, excepted,) the United States or either of them, or under any foreign power.

The Article was read the first time, and on motion of Mr. Bryan, ordered to be printed.

Mr. Branch from the Committee to whom was referred so much of the Act as directs a mode to be prescribed for the ratification of such amendments as may be recommended by the Convention ; also, so much thereof, as directs necessary ordinances and regulations to be prescribed for the purpose of giving operation and effect to the Constitution as altered and amended ; and also so much thereof as directs that the Convention shall provide in what manner amendments shall, in future, be made to the said Constitution, reported in part :

That whenever a majority of the whole number of each House of the General Assembly shall deem it necessary to alter or amend this Constitution, they may propose such alterations or amendments to the people, and the Governor shall, by Proclamation, lay the same before the people six months before the ensuing election for Members of the General Assembly ; and if the two Houses of the General Assembly thus elected, shall approve, as in the the first instance, of the amendments proposed, the same shall be submitted to the people for their ratification or rejection, and if ratified by a majority, shall become a part of the Constitution.

On motion of Mr. Branch,

Ordered, That the said Report be referred to a Committee of the Whole Convention, and made the order of the day for Monday week, and that it be printed.

On motion of Mr. Wilson, of Perquimons,

Ordered, That the special order of the day be postponed until to-morrow.

On motion of Mr. Wilson, of Perquimons,

The Convention resolved itself into a Committee of the Whole, Mr. Spaight of Craven in the Chair, on the 12th Resolution, proposing that a Committee be appointed to enquire whether any, and if any what amendments be proper to provide for the election of Governor by the qualified voters for the members of the House of Commons, and prescribing the term for which he may be elected ; and

the number of terms during which he shall be eligible. And, after some time spent therein, the President resumed the Chair, and Mr. Spaight reported, that the Committee had, according to order, had the said Resolution under consideration, and made the following amendment thereto:—Strike out all after the word “Resolved,” and insert in lieu thereof—“That the Governor shall be chosen by the qualified voters for the members of the House of Commons, at such times and places as members of the General Assembly are elected. He shall hold his office for the term of two years from the time of his installation, and until another shall be elected and qualified; but he shall not be eligible more than four years in any term of six years.”

On motion of Mr. Giles, the Convention proceeded to consider the Report.

And on the question of agreeing to the amendment, it was determined in the affirmative—Yeas 74, Nays 44.

The Yeas and Nays were required by one-fifth of the members present, on the call of Mr. Wilson, of Perquimons.

Those who voted in the affirmative, were

Messrs. Andres, Arrington, Bower, Bonner, Baxter, Brittain, Biggs, Birchett, Carson (*Burke*,) Cathey, Cox, Cansler, Cooper, Chalmers, Chambers, Dobson, Elliott, Fisher, Faison, Franklin, Gaither, Graves, Gilliam, Guinn, Grier, Gaines, Giles, Gudger, Hill, Hall, Hogan, Hargrave, Hooker, Huggins, Harrington, Holmes, Jones (*Wake*,) Jervis, Kelly, Lea, McQueen, Morris, McMillan, Melchor, McDiarmid, Morehead, Martin, Mars-teller, Montgomery, Moore, Owen, Powell (*Columbus*,) Powell (*Robeson*) Parker, Ruffin, Ramsay (*Chatham*,) Styron, Spaight (*Craven*,) Speight (*Greene*,) Stallings, Shipp, Sanders, Sherard, Smith (*Yancy*,) Shober, White, Wilson (*Edgecomb*,) Wilson (*Perquimons*,) Williams (*Franklin*,) Williams (*Person*,) Wooten, Whitfield, Wellborn and Wilder—74 Yeas.

Those who voted in the negative were

Messrs. Averitt, Bryan, Branch, Bailey, Bunting, Brodnax, Boddie, Crudup, Calvert, Collins, Daniel, Edwards, Ferebee, Gatling, Gaston (*Craven*,) Gaston (*Hyde*,) Gary, Gray, Hussey, Hodges, Howard, Halsey, Jones (*Wilkes*,) Joiner, King, Macon, McPherson, Marchant, Norcom, Outlaw, Pipkin, Rayner, Ramsay (*Pasquotank*,) Sawyer, Skinner, Seawell, Sugg, Spruill, Tayloe, Troy, Toomer, Welch, Williams (*Pitt*,) and Young—44 Nays.

The Resolution was read and adopted, and on motion of Mr. Giles, referred to a Committee, with instructions to bring in the necessary amendment.

Messrs. Pipkin, White, Bonner, Faison and Lea compose the Committee.

The Convention proceeded to consider the Report of the Committee of the Whole on the 11th Resolution, reported on the 20th ultimo.

The amendment reported from the Committee was agreed to, and the Resolution adopted.

On motion of Mr. Giles,

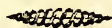
Ordered, That said Resolution be referred to the same Committee to whom is referred the 12th Resolution.

Mr. Bryan submitted the following Resolution:

Whereas, the observance of the Anniversary of our Independence is the duty of every patriot and good citizen, and tends to keep alive the remembrance of our Revolutionary struggle, and thereby has a tendency to remind us of the value of our liberties, and to preserve the stability and permanency of our Institutions:

Be it Resolved, That when this Convention adjourns on Friday next, it be adjourned to meet on the following Monday.

On motion, the Convention adjourned.



FRIDAY, JULY 3, 1835.

The Convention met pursuant to adjournment. Prayer by the Rev. Dr. McPheeters, of the Presbyterian Church.

Mr. Branch, from the Committee to whom was referred so much of the Act as directs a mode to be prescribed for the ratification of such amendments as may be recommended by the Convention, reported

That they recommend the amendments adopted by this Convention to be submitted to the people on the second Monday in November next, and that the polls be kept open for three successive days at the several election places in each and every county. That the Sheriffs of the respective counties, (with the aid of inspectors to be appointed by the Courts of the counties immediately preceding the election,) be required to compare and certify the results of the election, on the Thursday or Friday immediately succeeding, and transmit the same to the Governor of the State within ten days thereafter. That it shall be the duty of the Governor to examine and make proclamation of the result, to the people, and if it shall appear that a majority of the whole number of votes given in are in favor of the ratification of the Amendments, that the same shall be incorporated in, and become a part of the Constitution of the State.

The Report was read the first time; and on motion of Mr. Branch, ordered to be printed.

Mr. Collins, from the Committee to whom was referred the 6th Resolution, directing that the individual capitation tax shall be equal throughout the State; with instructions to draw up an Article to be incorporated in the amended Constitution; reported the following Article:

Sec. 1. Capitation tax shall be equal throughout the State, upon all individuals subject to the same.

Sec. 2. All free Males, over the age of twenty-one years, and under that of forty-five, and all slaves over the age of twelve years,

and under that of fifty, shall be subject to capitation tax, and no other persons shall be subject to such tax.

This Article was read the first time, and on motion of Mr. Collins, ordered to be printed.

On motion of Mr. Outlaw,

The Convention took up for consideration the Resolution submitted yesterday by Mr. Bryan.

On motion of Mr. Bower,

Ordered, That the Resolution do lie on the table.

On motion of Mr. Biggs,

Ordered, That the Committee to whom was referred the Resolution directing them to draft amendments to the Constitution, providing for biennial instead of annual meetings of the General Assembly, and for the biennial instead of triennial election of Secretary of State, be also instructed to report amendments to the Constitution, providing for the biennial instead of annual election of the Treasurer and Comptroller of the State and Councillors of State.

On motion of Mr. Collins,

The Convention resolved itself into a Committee of the Whole, Mr. Shober in the Chair, on the Report of the Committee of twenty-six, upon the subject of arranging the Senatorial Districts and apportioning the members of the House of Commons among the several counties in this State. After some time spent therein, the President resumed the Chair, and Mr. Shober reported that the Committee had, according to order, had the said Report under consideration, and made the following amendments thereto: 1st. To give to Burke, instead of Yancy, the member in the House of Commons, on account of the largest fraction; and 2d. To strike out Montgomery from the 33d District and attach it to the 34th District.

The Convention proceeded to consider the amendments, and they were severally read and adopted.

Mr. Sawyer moved to amend the Report as follows: "That the excess of federal population in the counties of Currituck, Camden, Pasquotank, Perquimons and Gates, be retained in said counties, and that they constitute a district to elect one member in the House of Commons."

And, on the question of agreeing with the amendment, it was determined in the negative. Yeas 29—Nays 74.

The Yeas and Nays were required by one fifth of the members present, on the call of Mr. Jacocks.

Those who voted in the affirmative were

Messrs. Averitt, Arrington, Baxter, Bailey, Cooper, Chalmers, Calvert, Gatling, Gary, Hussey, Halsey, Holmes, Jones (*Wilkes*), Jacocks, Kelly, Macon, McPherson, Norcom, Pipkin, Ramsay (*Pasquotank*), Roulhac, Sawyer, Sugg, Stallings, Seawell, Spruill, Wilson (*Edgewood*), Wilson (*Perquimons*), and Wooten—29 Yeas.

Those who voted in the negative were

Messrs. Bower, Branch, Brittain, Biggs, Birchett, Brodnax, Boddie, Crudup, Cathey, Cox, Cansler, Chambers, Carson (*Rutherford*,) Collins, Daniel, Dockery, Dobson, Elliott, Edwards, Fisher, Faison, Franklin, Gaither, Graves, Gaston (*Craven*,) Gaston (*Hyde*,) Gilliam, Guinn, Grier, Gaines, Gray, Giles, Gudger, Hogan, Hargrave, Hodges, Jones (*Wake*,) Jervis, Joiner, Lea, Lesueur, McQueen, Morris, McMillan, McDiarmid, Marchant, Morehead, Martin, Marsteller, Montgomery, Moore, Outlaw, Owen, Parker, Powell (*Robeson*,) Rufin, Ramsay (*Chatham*,) Swain, Skinner, Spaight (*Craven*,) Shipp, Sanders, Sherard, Smith (*Yancy*,) Shober, Toomer, Williams (*Franklin*,) Williams (*Person*,) Williams (*Pitt*,) Welch, Whitfield, Wellborn, Wilder and Young—74 Nays.

Mr. Kelly submitted the following amendment to the Report; which was rejected:

“That the excess of federal population in the counties of Moore, Cumberland and Montgomery be retained in the counties, and that they constitute a district to elect a member in the House of Commons.”

On the question, Will the Convention concur in the Report as amended? it was determined in the affirmative.

On motion of Mr. Giles,

Ordered, That the Report be referred to a Committee, with instructions to draft and report an Article in conformity with the same.

Messrs. Collins, Spaight, of Craven, Speight, of Greene, Crudup, and Fisher compose the committee.

On motion of Mr. Spruill,

The Convention took up for consideration the following Resolution:

Resolved, That during the remainder of the session of this Convention, there shall be a recess each day from 1 o'clock, P. M. to 3 o'clock, P. M.

The Resolution was amended by adding the words “from and after Saturday next,” and adopted.

Mr. Collins moved that when the Convention adjourn this day, it adjourn to meet on Monday next.

And on the question of agreeing to the motion, it was determined in the negative—Yeas 33, Nays 79.

The Yeas and Nays were required by one fifth of the members present, on the call of Mr. Bower.

Those who voted in the affirmative were

Messrs. Andres, Biggs, Bailey, Bunting, Calvert, Collins, Gaston (*Craven*,) Gaston (*Hyde*,) Gilliam, Hogan, Hargrave, Hussey, Howard, Holmes, Jacobs, McQueen, Meares, Norcom, Outlaw, Owen, Pipkin, Powell (*Robeson*,) Rayner, Roulhac, Sawyer, Seawell, Troy, Toomer, Wilson (*Edgecomb*,) Wilson (*Perquimons*,) Wooten, Whitfield and Wilder—33 Yeas.

Those who voted in the negative were

Messrs. Averitt, Arrington, Bower, Bonner, Baxter, Branch, Brittain, Birchett, Brodnax, Boddie, Crudup, Cathey, Cox, Cansler, Cooper, Chalmers, Chambers, Daniel, Dockery, Dobson, Elliot, Edwards, Fisher, Faison, Franklin, Gatling, Gaither, Graves, Guinn, Grier, Gaines, Gary, Gray,

Giles, Gudger, Hall, Hodges, Huggins, Halsey, Jervis, Jones (*Wake*,) Jones (*Wilkes*,) Joiner, Kelly, Lea, Lesueur, Macon, Morris, McMillan, McPherson, McDiarmid, Marchant, Morehead, Martin, Marsteller, Montgomery, Moore, Parker, Ruffin, Ramsay (*Chatham*,) Ramsay (*Pasquotank*,) Skinner, Spaight (*Craven*,) Sugg, Stallings, Shipp, Sanders, Sherard, Smith (*Yancy*,) Shoher, Spruill, Tayloe, White, Williams (*Franklin*,) Williams (*Person*,) Williams (*Pitt*,) Welch, Wellborn and Young—79 Nays.

On motion, the Convention adjourned.



SATURDAY, JULY 4, 1835.

The Convention met pursuant to adjournment. Prayer by the Rev. Mr. Closs.

Mr. Meares, from the Committee to whom was referred the 18th Resolution, reported the following Articles :

Art. 1. All laws relating to the administration of justice, shall be uniform throughout the State.

Art. 2. The General Assembly shall have power to pass general laws, regulating divorce and alimony ; but shall not have power to grant a divorce or secure alimony in any individual case.

Art. 3. The General Assembly shall not have power to pass any private law, to alter the name of any person, or to legitimate any bastard, or to restore to the rights of Citizenship any person convicted of an infamous crime.

Art. 4. Whenever a Bill of a private nature shall be introduced into either House of the General Assembly, it shall not be passed upon, until a tax of \$10 has been paid by the person introducing the same to the Clerk of the House, to be by him accounted for, and paid over to the Treasurer of the State.

These Articles were read the first time, and, on motion of Mr. Meares, ordered to be printed.

Mr. Carson, of Burke, from the Committee to whom the subject was referred with instructions, reported the following Article :

That no person who shall deny the being of God, or the truth of the Christian Religion, or the divine authority of the Old or New Testament, or who shall hold Religious principles incompatible with the freedom or safety of the State, shall be capable of holding any office or place of trust or profit in the Civil department within this State.

On motion of Mr. Gaston, of Craven,

Ordered, That Mr. Cox have leave of absence from the service of the Convention, from and after Monday next, for the remainder of the session.

Mr. Collins moved that the Convention adjourn. The question was determined in the negative—Yeas 29, Nays 75.

The Yeas and Nays were required by one-fifth of the members present, on the call of Mr. Cooper.

Those who voted in the affirmative were

Messrs. Biggs, Carson (*Burke*,) Collins, Gaston (*Craven*,) Hogan, Hargrave, Hussey, Hodges, Howard, Halsey, Jacocks, King, McQueen, Meares, Norcom, Outlaw, Owen, Pipkin, Powell (*Robeson*,) Rayner, Roulhac, Swain, Seawell, Tayloe, Toomer, Wilson (*Edgecomb*,) Williams (*Pitt*,) Whitfield, and Wilder,—29 Yeas.

Those who voted in the negative were

Messrs. Averitt, Arrington, Bower, Bonner, Baxter, Bunting, Birchett, Boddie, Cathey, Cox, Cansler, Cooper, Chalmers, Carson, (*Rutherford*) Daniel, Dobson, Elliott, Edwards, Fisher, Faison, Franklin, Gatling, Gaither, Graves, Guinn, Grier, Gaines, Gary, Gray, Giles, Gudger, Hall, Hooker, Huggins, Holmes, Jones (*Wake*,) Jones (*Wilkes*,) Jervis, Joiner, Kelly, Lea, Lesueur, Macon, Morris, McMillan, Melchor, McPherson, McDiarmid, Marchant, Morehead, Martin, Marsteller, Moore, Powell (*Columbus*,) Parker, Ruffin, Ramsay (*Chatham*,) Ramsay (*Pasquotank*,) Skinner, Spaight (*Craven*,) Suggs, Stallings, Shipp, Sanders, Sherard, Smith, (*Fancy*,) Shober, White, Williams (*Franklin*,) Williams (*Person*,) Welch, Wooten, Wilson (*Perquimons*,) Wellborn, and Young—75 Nays.

On motion of Mr. Shober,

Resolved, that a select Committee be appointed to enquire and report the best mode of circulating the proceedings of the Convention among the people of the State.

Messrs. Daniel, Swain, Tayloe, Wooten and Welch compose the Committee.

Mr. Collins moved that the Convention adjourn. The question was determined in the negative—Yeas 33, Nays 74.

The Yeas and Nays were required by one-fifth of the members present on the call of Mr. Collins.

Those who voted in the affirmative, were

Messrs. Brodnax, Carson (*Burke*,) Collins, Fisher, Gaston (*Craven*,) Giles, Hogan, Hargrave, Howard, Halsey, Jones (*Wilkes*,) Jacocks, King, McQueen, Meares, Norcom, Outlaw, Owen, Pipkin, Powell (*Robeson*,) Rayner, Roulhac, Swain, Seawell, Shober, Tayloe, Toomer, Wilson (*Edgecomb*,) Wilson (*Perquimons*,) Wooten, Williams (*Pitt*,) Whitfield and Wilder—33 Yeas.

Those who voted in the negative were

Messrs. Averitt, Arrington, Bower, Bonner, Baxter, Branch, Brittain, Biggs, Bunting, Birchett, Boddie, Cathey, Cox, Cansler, Cooper, Chalmers, Calvert, Chambers, Carson (*Rutherford*,) Daniel, Dobson, Elliott, Edwards, Faison, Gatling, Gaither, Graves, Gilliam, Guinn, Grier, Gaines, Gary, Gray, Gudger, Hall, Hooker, Huggins, Holmes, Jones (*Wake*,) Jervis, Joiner, Kelly, Lea, Lesueur, Macon, Morris, McMillan, Melchor, McPherson, McDiarmid, Marchant, Morehead, Martin, Marsteller, Mont-

gomery, Moore, Powell (*Columbus*), Parker, Ruffin, Ramsay (*Chatham*), Ramsay (*Pasquotank*), Styron, Skinner, Spaight (*Craven*), Sugg, Stallings, Shipp, Sanders, Smith (*Yancy*), White, Williams (*Franklin*), Williams (*Person*), Welch, Wellborn and Young—74 Nays.

On motion of Mr. Branch, the Convention took up for its second reading the Article declaring that the members of the Legislature shall vote *viva voce* in the election of Officers.

On motion, the Convention adjourned.



MONDAY, JULY 6, 1835.

The Convention met, pursuant to adjournment. Prayer by the Rev. Dr. McPheeters.

On motion of Mr. Williams, of Franklin,

The Convention resolved itself into a Committee of the Whole, Mr. Swain in the Chair, upon the special order of the day, being the Report of the select Committee, as to what manner amendments shall in future be made to the Constitution. After some time spent therein, the President resumed the Chair, and Mr. Swain reported that the Committee had, according to order, had the said Report under consideration, and made the following amendment thereto:—Strike out all after the word “That,” and insert as follows: “No part of this Constitution shall be altered, unless a bill to alter the same shall have been read three times in each House of the General Assembly and agreed to by three-fifths of the whole number of members of each House respectively: Nor shall any alteration take place until the said bill so agreed to, be published six months previous to a new election of members to the General Assembly; and if the alteration proposed by the General Assembly shall be agreed to in the first session thereafter, by two-thirds of the whole Representation in each House of the General Assembly, after the same shall have been read three times on three several days, in each House; then the said General Assembly shall establish rules and regulations whereby said amendments may be submitted to the consideration of the qualified voters for the House of Commons throughout the State: And if, upon comparing the votes given in the whole State, it shall appear that a majority thereof have approved said amendments, then, and not otherwise, the same shall become a part of the Constitution.”

On motion of Mr. Meares, the Convention proceeded to consider the Report.

Mr Hargrave moved to amend the Report by striking out the words “two thirds,” and inserting in lieu thereof, “three fifths.”

Mr. Williams, of Franklin, called for a division of the question : And on the question of striking out, it was decided in the negative, Yeas 24. Nays 99.

The Yeas and Nays were required by one fifth of the members present, on the call of Mr. Hargrave.

Those who voted in the affirmative were

Messrs. Bower, Birchett, Dockery, Dobson, Elliott, Fisher, Franklin, Gaither, Grier, Gaines, Giles, Hargrave, Hutcheson, Harrington, Jervis, McQueen, Morris, McMillan, Montgomery, Moore, Parker, Shipp, Shober, and Wellborn—24 Yeas.

Those who voted in the negative were

Messrs. Andres, Averitt, Arrington, Bonner, Baxter, Branch, Brittain, Biggs, Bailey, Bunting, Brodnax, Boddie, Cathey, Cox, Cansler, Cooper, Chalmers, Calvert, Chambers, Carson (*Rutherford*), Collins, Daniel, Edwards, Ferebee, Faison, Gatling, Graves, Gaston (*Craven*), Gaston (*Hyde*), Gilliam, Guinn, Gary, Gray, Gudger, Hill, Hall, Hogan, Huszey, Hooker, Hodges, Huggins, Howard, Halsey, Holmes, Jones (*Wake*), Jones (*Wilkes*), Joiner, Jacocks, King, Kelly, Lea, Lesueur, Macon, Melchor, McPherson, McDiarmid, Marchant, Morehead, Martin, Marsteller, Meares, Norcom, Outlaw, Owen, Powell (*Columbus*) Powell (*Robeson*) Pearsall, Pipkin, Ruffin, Rayner, Ramsay (*Pasquotank*), Roulhac, Swain, Styron, Sawyer, Skinner, Spaight (*Craven*), Speight (*Greene*), Sugg, Stallings, Sanders, Seawell, Sherard, Smith (*Yancy*), Spruill, Tayloe, Troy, Toomer, White, Wilson (*Edgecomb*), Wilson (*Perquimons*), Welch, Wooten, Whitfield, Williams (*Franklin*), Williams (*Person*), Williams (*Pitt*), Wilder and Young—99 Nays.

Mr. Guinn moved to amend the Report by striking out the words "*whole number of members*," and inserting in lieu thereof the words "*members who may be present*."

The question on agreeing to the amendment moved by Mr. Guinn, was determined in the negative.

Mr. Harrington moved to amend the Report by striking all out after the word "That," and inserting in lieu thereof as follows :

"Amendments to this Constitution may be made, in future, in the following manner : At the general election for members of the State Legislature which shall take place in the year and every years thereafter, the several returning officers appointed to open a poll for the election of members of the House of Commons, shall make a return to the Secretary of State for the time being, of the numbers and names of all those voting for members of the House of Commons ; and whenever the citizens of this State shall desire to change or amend the Constitution thereof, they, or as many of them as may be in favor of such change or amendment, shall address a Memorial or Memorials to the General Assembly setting forth the nature and extent of such change or amendment as they propose.— And if it shall thus appear, that the number of those in favor of such proposed amendments shall be equal to a majority of the whole num-

ber of those who voted at the last general election at which returns were made, pursuant to the foregoing provision, then it shall be the duty of the General Assembly to take the proposed amendment or amendments into their consideration, and they shall approve or reject such amendments, or any part thereof, at their discretion, a majority of each House concurring by Yeas and Nays. And the whole or so much of the proposed amendments as shall be approved, shall be put by the General Assembly in form, suitable to be incorporated into the Constitution, and in this form shall be published in all the newspapers in the State, at least three months before the next general election for members of Assembly, for the consideration of all the citizens of this State. And it shall be the duty of the returning officers of the several counties of this State, at that election, to open a poll for, and make a return to the Secretary of State for the time being, of the numbers and names of all those voting for members of the House of Commons who have voted on such proposed change, or amendments of the Constitution—and if thereupon, it shall appear that a majority of all the citizens of this State voting for members of the House of Commons at that election, shall have voted in favor of such proposed amendments, then such amendment or amendments shall be part of the Constitution of this State.”

On the question of agreeing to the amendment, it was determined in the negative.

The question recurring on the amendment reported by the Committee of the Whole, it was adopted. Yeas 106—Nays 18.

The Yeas and Nays were required by one fifth of the members present, on the call of Mr. Williams of Franklin.

Those who voted in the affirmative were

Messrs. Andres, Averitt, Arrington, Bower, Bonner, Baxter, Branch, Brittain, Biggs, Bailey, Bunting, Brodnax, Boddie, Cathey, Cox, Cansler, Cooper, Chalmers, Calvert, Chambers, Carson (*Rutherford*,) Collins, Daniel, Dobson, Elliott, Edwards, Ferebee, Fisher, Faison, Franklin, Gatling, Graves, Gaston (*Craven*,) Gaston (*Hyde*,) Gilliam, Gaines, Gary, Gray, Giles, Gudger, Hill, Hall, Hogan, Hussey, Hooker, Hodges, Huggins, Howard, Halsey, Holmes, Jones (*Wake*,) Jones (*Wilkes*,) Joiner, Jacocks, King, Kelly, Lea, Lesueur, Macon, Melchor, McPherson, McDiarmid, Marchant, Morehead, Martin, Marsteller, Meares, Norcom, Outlaw, Owen, Powell (*Columbus*,) Powell (*Robeson*,) Pearsall, Pipkin, Ruffin, Rayner, Ramsay (*Pasquotank*,) Roulhac, Swain, Styron, Sawyer, Skinner, Spaight (*Craven*,) Speight (*Greene*,) Sugg, Stallings, Sanders, Seawell, Smith (*Fancy*,) Spruill, Sherard, Tayloe, Troy, Toomer, White, Wilson, (*Edgecomb*,) Wilson (*Perquimons*) Williams (*Person*,) Williams (*Franklin*,) Williams (*Pitt*,) Welch, Whitfield, Wooten, Wellborn, Wilder and Young—106 Yeas.

Those who voted in the negative, were

Messrs. Birchett, Carson, (*Burke*,) Dockery, Gaither, Guinn, Grier, Hargrave, Hutcheson, Harrington, Jervis, McQueen, Morris, McMillan, Montgomery, Moore, Parker, Shipp, Shober—Nays 18.

Mr. Collins, from the Committee to whom was referred the Report of the Committee of 26, as amended by the Convention, for the purpose of framing an article in conformity thereto, reported the following:

That until the first session of the General Assembly, after the year eighteen hundred and forty-one, the Senate shall be composed of Members elected from Districts, as follows: The 1st district—Perquimons and Pasquotank; 2d district—Camden and Currituck; 3d district—Gates and Chowan; 4th district—Washington and Tyrrell; 5th district—Northampton; 6th district—Hertford; 7th district—Bertie; 8th district—Martin; 9th district—Halifax; 10th district—Nash; 11th district—Wake; 12th district—Franklin; 13th district—Johnston; 14th district—Warren; 15th district—Edgecomb; 16th district—Wayne; 17th District—Greene and Lenoir; 18th district—Pitt; 19th district—Beaufort and Hyde; 20th district—Carteret and Jones; 21st district—Craven; 22nd district—Chatham; 23d district—Granville; 24th district—Person; 25th district—Cumberland; 26th district—Sampson; 27th district—New-Hanover; 28th district—Duplin; 29th district—Onslow; 30th district—Brunswick, Bladen and Columbus; 31st district—Robeson and Richmond; 32d district—Anson; 33d district—Cabarrus; 34th district—Moore and Montgomery; 35th district—Caswell; 36th district—Rockingham; 37th district—Orange; 38th district—Randolph; 39th district—Guilford; 40th district—Stokes; 41st district—Rowan; 42d district—Davidson; 43d district—Surry; 44th district—Wilkes and Ashe; 45th district—Burke and Yancy; 46th district—Lincoln; 47th district—Iredell; 48th district—Rutherford; 49th district—Buncombe, Haywood and Macon; 50th district—Mecklenburg. Each district entitled to one member in the Senate.

That until the first session of the General Assembly after the year eighteen hundred and forty-one, the House of Commons shall be composed of members elected from the Counties in the following manner, viz:

The Counties of Lincoln and Orange shall elect four members each,

The Counties of Burke, Chatham, Granville, Guilford, Halifax, Iredell, Mecklenburg, Rowan, Rutherford, Surry, Stokes and Wake, shall elect three members each.

The Counties of Anson, Beaufort, Bertie, Buncombe, Cumberland, Craven, Caswell, Davidson, Duplin, Edgecomb, Franklin, Johnston, Montgomery, New-Hanover, Northampton, Person, Pitt, Randolph, Robeson, Richmond, Rockingham, Sampson, Warren, Wayne and Wilkes shall elect two members each.

The Counties of Ashe, Bladen, Brunswick, Camden, Columbus, Chowan, Currituck, Carteret, Cabarrus, Gates, Greene, Haywood, Hertford, Hyde, Jones, Lenoir, Macon, Moore, Martin, Nash, Onslow, Pasquotank, Perquimons, Tyrrel, Washington, and Yancy, shall elect one member each.

These Articles were read the first time, and on motion of Mr. Collins, ordered to be printed.

The Article requiring Members of the General Assembly to vote *viva voce*, was read the second time : And on the question that the said Article pass to its third reading, it was determined in the affirmative—Yeas 82, Nays 38.

The Yeas and Nays were required by one fifth of the members present on the call of Mr. Wilson, of Perquimons.

Those who voted in the affirmative, were

Messrs. Averitt, Arrington, Bonner, Baxter, Branch, Brittain, Biggs, Bunting, Birchett, Brodnax, Carson (*Burke*), Cathey, Cox, Cansler, Chalmers, Daniel, Edwards, Ferebee, Faison, Franklin, Gatling, Gaither, Gilliam, Guinn, Grier, Gary, Hall, Hogan, Hargrave, Hussey, Hooker, Hodges, Huggins, Howard, Hutcheson, Harrington, Holmes, Jones (*Wake*), Jervis, Jacobs, Kelly, Macon, McQueen, McMillan, Melchor, McPherson, McDiarmid, Marchant, Marsteller, Moore, Norcom, Outlaw, Owen, Powell (*Columbus*), Powell (*Robeson*), Pearsall, Pipkin, Ruffin, Rayner, Roulhac, Swain, Styron, Sawyer, Skinner, Spaight (*Craven*), Speight (*Greene*), Sugg, Stallings, Sanders, Seawell, Sherard, Smith (*Yancy*), Tayloe, Wilson (*Edgecomb*), Wilson (*Perquimons*), Williams (*Franklin*), Williams (*Pitt*), Welch, Wooten, Whitfield, Wellborn and Wilder—32 Yeas.

Those who voted in the negative were

Messrs. Andres, Bower, Bailey, Boddie, Cooper, Carson (*Rutherford*), Collins, Dockery, Dobson, Elliott, Fisher, Graves, Gaston (*Craven*), Gaston (*Hyde*), Gaines, Gray, Giles, Gudger, Hill, Halsey, Jones (*Wilkes*), Joiner, King, Lea, Lesueur, Morris, Morehead, Martin, Meares, Parker, Ramsay (*Pasquotank*), Shipp, Shoher, Troy, Toomer, White, Williams (*Person*), and Young—38 Nays.

On motion of Mr. Branch.

Ordered, That the said Article be read the third time to-morrow.

The Convention took up for its second reading the Article abrogating the right of free negroes and mulattoes to vote for members of the Legislature.

Mr. Fisher moved to amend the Article by adding thereto as follows: "Unless, in addition to the qualifications required of other voters, such free negroes or mulattoes, for one year next preceding any election, shall have owned and possessed at least fifty acres of land in fee, of the value of not less than one hundred dollars, unincumbered by mortgage or otherwise, and shall never have been convicted of any infamous offence.

Mr. Dockery moved to amend the amendment by striking out the words "*at least fifty acres of land in fee*," and inserting in lieu thereof the words "*real estate*"; and by striking out "*one hundred*," and inserting "*two hundred and fifty*."

Mr. Giles called for a division of the question : And the question being on striking out, it was decided in the negative.

The question recurring on Mr. Fisher's amendment, it was decided in the negative—Yeas 59, Nays 63.

The Yeas and Nays were required by one fifth of the members present, on the call of Mr. Speight, of Greene.

Those who voted in the affirmative were,

Messrs. Andres, Averitt, Arrington, Bower, Biggs, Bunting, Boddie, Cox, Cansler, Chalmers, Carson (*Rutherford*,) Daniel, Dobson, Elliott, Fisher, Franklin, Gatling, Gaston (*Craven*,) Gaston (*Hyde*,) Guinn, Gaines, Gary, Gray, Giles, Gudger, Hill, Hall, Hussey, Holmes, Jones (*Wake*,) Jones (*Wilkes*,) Joiner, King, Kelly, Morris, McMillan, McPherson, Morehead, Martin, Marsteller, Montgomery, Moore, Owen, Powell (*Columbus*,) Powell (*Robeson*,) Parker, Rayner, Swain, Styron, Stallings, Shipp, Seawell, Sherard, Smith (*Yancy*,) Shoher, Troy, Toomer, White and Wellborn—59 Yeas.

Those who voted in the negative were

Messrs. Adams, Bonner, Baxter, Branch, Brittain, Bailey, Birchett, Brodnax, Carson (*Burke*,) Cathey, Cooper, Calvert, Collins, Dockery, Edwards, Ferebee, Faison, Gaither, Graves, Gilliam, Grier, Hogan, Hargrave, Hooker, Hodges, Huggins, Howard, Hutcheson, Harrington, Halsey, Jervis, Jacobs, Lea, Lesueur, Macon, McQueen, Melchor, Marchant, Meares, Norcom, Outlaw, Pipkin, Ruffin, Ramsay (*Pasquotank*,) Roulhac, Sawyer, Skinner, Spaight (*Craven*,) Speight (*Greene*,) Sugg, Sanders, Spruill, Tayloe, Wilson (*Edgecomb*,) Wilson (*Perquimons*,) Welch, Wooten, Williams (*Franklin*,) Williams (*Person*,) Williams (*Pitt*,) Whitfield, Wilder and Young—63 Nays.

Mr. Gaston, of Craven, moved to amend the Article by adding thereto as follows:

“Unless, in addition to the qualifications required of other voters, he shall, for one year next preceding any election, have owned and possessed property, real or personal or both, of the clear value of five hundred dollars over and above all incumbrances, charges and debts. Nor shall any free negroe, mulatto, or person of mixed blood, as aforesaid, be permitted to vote at any election, who shall have been convicted of an infamous offence.”

Mr. Branch moved to amend the amendment by striking out the words “or personal or both:” And the question being had thereon it was determined in the negative.

The question recurring on the amendment submitted by Mr. Gaston, it was determined in the negative—Yeas 55, Nays 64.

The Yeas and Nays were required by one-fifth of the members present on the call of Mr. Gaston, of Craven.

Those who voted in the affirmative, were

Messrs. Andres, Averitt, Arrington, Bower, Bunting, Boddie, Cox, Cansler, Chalmers, Daniel, Dockery, Dobson, Elliott, Fisher, Franklin, Gaston (*Craven*,) Gaston (*Hyde*,) Guinn, Gaines, Gray, Giles, Gudger, Hill, Hall, Hussey, Holmes, Jones (*Wake*,) Jones (*Wilkes*,) Joiner, King, Kelly, Morris, McMillan, McPherson, Morehead, Martin, Marsteller, Moore, Owen, Parker, Powell (*Robeson*,) Swain, Styron, Shipp, Seawell, Skerard, Smith (*Yancy*,) Shoher, Tayloe, Troy, Toomer, White, Welch, Whitfield and Wellborn—55 Yeas.

Those who voted in the negative were

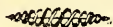
Messrs. Bonner, Baxter, Branch, Brittain, Biggs, Bailey, Birchett, Brodax, Carson (*Burke*,) Carson (*Rutherford*,) Cathey, Cooper, Calvert, Collins, Edwards, Ferebee, Faison, Gatling, Gaither, Graves, Gilliam, Grier, Gary, Hogan, Hargrave, Hooker, Hodges, Huggins, Howard, Hutcheson, Iarrington, Halsey, Jervis, Jacocks, Lea, Lesueur, Macon, McQueen, Melchor, Marchant, Meares, Norcom, Outlaw, Poweil (*Columbus*,) Pipkin, Ruffin, Rayner, Ramsay (*Pasquotank*,) Roulhac, Sawyer, Skinner, Spaight (*Craven*,) Speight (*Greene*,) Sugg, Stallings, Sanders, Wilson (*Edgecomb*,) Vilson (*Perquimons*,) Wooten, Williams (*Franklin*,) Williams (*Person*,) Williams (*Pitt*,) Wilder and Young—64 Nays.

The Article was read a second time; and on the question that it pass to a third reading, it was determined in the affirmative.

On motion of Mr. Morehead,

Ordered, That Mr. Smith, of Orange, have leave of absence from and after Wednesday last, for the remainder of the session.

On motion, the Convention adjourned.



TUESDAY, JULY 7, 1835.

The Convention met pursuant to adjournment. Prayer by the Rev. Mr. Jamieson, of the Methodist Episcopal Church.

On motion of Mr. Troy,

Ordered, That Mr. Powell, of Columbus, have leave of absence from and after to-day, for the remainder of the session.

On motion of Mr. Speight, of Greene,

Ordered, That Mr. Styron have leave of absence from and after to-day, for the remainder of the session.

Mr. Pipkin, from the Committee to whom was referred the 12th Resolution, relating to the election of Governor of the State by the qualified voters for Members of the House of Commons, and prescribing the term for which he may be elected, and the number of terms during which he shall be eligible, reported the following Article:

That the Governor shall be chosen by the qualified voters for the members of the House of Commons, at such time and places as members of the General Assembly are elected; he shall hold his Office for a term of two years from the time of his installation, and until another shall be elected and qualified; but he shall not be eligible more than four years, in any term of six years.

The Article was read the first time, and on motion of Mr. Pipkin, ordered to be printed.

Mr. Pipkin, from the Committee to whom was referred the 11th

Resolution, with instructions to prepare an Article providing for biennial meetings of the General Assembly, and for the biennial election of Secretary of State, Treasurer, Comptroller and Council of State, reported the following Article:

That the General Assembly shall meet biennially, and at each biennial session, shall elect by joint vote of the two Houses, a Secretary of State, a Treasurer, Comptroller, and a Council of State, for a term of two years.

The Article passed to its second reading, and on motion of Mr. Pipkin, ordered to be printed.

Mr. Giles submitted the following Resolution:

Resolved, That three thousand copies of the Report of the Committee who was instructed to arrange the Senatorial Districts and apportion the members of the House of Commons among the several counties, be printed for the use of the delegates of this Convention; and that the Article on the Senate and House of Commons adopted by the Convention, be appended thereto.

Mr. Daniel, from the Committee who were instructed to submit the best mode of circulating the proceedings of the Convention among the people of the State, reported:

That two hundred and seventy copies of the Journal of the Convention should be printed, to be distributed as follows, viz: One copy to the Executive Department of the United States, and of the several States; one copy to be deposited in the Office of the Clerk of the County Court of each county in this State; one copy to each member of this Convention, and fifty copies to be deposited in the Public Library, the Library of the University, and the Offices of Heads of Department, in such proportions as may be directed by the Governor of this State.

That one hundred and twenty-five copies of the Constitution, and the amendments adopted by the Convention, should be printed and distributed under the directions of the Governor, for each county entitled to one member in the House of Commons, and in like proportion for counties entitled to a greater number of Representatives, and one hundred and twenty-five copies for each Senatorial District, making the aggregate number of twenty-one thousand two hundred and fifty.

The Report was read, and on motion of Mr. Daniel, ordered to be printed.

On motion of Mr. Gaston, of Craven, the Convention proceeded to consider the following Resolution:

Resolved, That it is expedient, in framing amendments to the Constitution, on the subject of representation in the House of Commons, to provide that in making every apportionment, the Legislature shall divide, or cause to be divided, those counties to which more than two Representatives shall be assigned, into election districts, consisting severally of contiguous territory, and of equal federal numbers, as nearly as convenience will permit, each of which districts shall elect one Representative only.

Mr. Branch moved to amend the Resolution by striking out "two" and inserting in lieu thereof "one."

On motion of Mr. Speight, of Greene,

Ordered, That the Resolution lie on the table.

On this motion, the Yeas and Nays were required by one fifth of the members present, on the call of Mr. Gaston, of Craven, and were, Yeas 77, Nays 41.

Those who voted in the affirmative were

Messrs. Andres, Bower, Bonner, Branch, Brittain, Biggs, Bunting, Birchett, Brodnax, Boddie, Cathey, Cox, Cansler, Cooper, Chalmers, Chambers, Carson (*Rutherford*,) Collins, Daniel, Dockery, Dobson, Elliott, Fisher, Faison, Franklin, Gaither, Graves, Gilliam, Guinn, Grier, Gaines, Gray, Giles, Gudger, Hogan, Hargrave, Hussey, Hooker, Hutcheson, Holmes, Jones (*Wake*,) Jones (*Wilkes*,) Jervis, Joiner, King, Lea, Lesueur, McQueen, McMillan, Melchor, Morehead, Martin, Marsteller, Montgomery, Meares, Moore, Parker, Powell (*Robeson*,) Ruffin, Rayner, Spaight (*Craven*,) Speight (*Greene*,) Shipp, Sherard, Smith (*Yancy*,) Shober, Tayloe, Troy, Toomer, White, Wilson, (*Edgecomb*,) Williams (*Franklin*,) Williams (*Person*,) Welch, Whitfield, Wellborn, and Young—77 Yeas.

Those who voted in the negative, were

Messrs. Averitt, Arrington, Adams, Baxter, Bailey, Calvert, Ferebee, Gatling, Gaston (*Craven*,) Gaston (*Hyde*,) Gary, Hill, Hall, Hodges, Huggins, Howard, Halsey, Jacocks, Kelly, Macon, Morris, McPherson, Marchant, Norcom, Outlaw, Owen, Pipkin, Ramsay (*Pasquotank*,) Roulhac, Swain, Styron, Sawyer, Skinner, Sugg, Stallings, Sanders, Seawell, Spruill, Wooten, Wilson (*Perquimons*) and Wilder—Nays 41.

The Convention proceeded to consider the Article relating to the impeachment of Judges and other Officers of the State.

Mr. Branch moved to amend the Article by striking out the words "and upon the trial of an impeachment the Chief-Justice of this State shall preside, unless the Chief-Justice be impeached, or from inability or other sufficient cause, to be adjudged of by the Senate, he shall be excused by the Senate from presiding, then the Senate may appoint some other person to preside."

And the question being had thereon, it was determined in the affirmative.

Mr. Spaight of Craven, moved further to amend the Article by striking out the words "Judges of the Superior Courts," and inserting in lieu thereof, the words "all Judges of such inferior courts as are, or may be hereafter established."

And the question being taken thereon, it was determined in the negative.

The said Article was read the second time, and on the question that the same pass to its third reading, it was determined in the affirmative.

On motion of Mr. Gaston of Hyde,

Ordered, That Mr. Spruill, Mr. Sugg and Mr. Hodges have leave of absence from and after to-morrow, for the remainder of the session.

On motion of Mr. Giles,

Ordered, That Mr. Crudup have leave of absence, from and after Saturday last, for the remainder of the Session:

The Convention took up for its second reading the Article relating to the office of Attorney-General.

On motion of Mr. Spaight of Craven, the Article was amended by striking out the first section.

Mr. Williams of Franklin, moved to fill the blank with "eight," which was determined in the negative.

And on motion of Mr. Giles, the blank was filled with "*four*."

On motion of Mr. Spaight of Craven, the Article was amended by striking out the words "by joint ballot of both Houses."

Mr. McQueen moved to amend the Article, by adding thereto the following: "After a vacancy shall occur in that office, and every four years thereafter."

And the question being put thereon, it was decided in the negative.

On motion of Mr. Meares, the Article was further amended by adding the following words, "unless the General Assembly shall hereafter alter the term during which the Solicitors of the State shall hold their office, in which case they shall have power to extend the term during which the Attorney-General shall hold his office, to the same period."

The Article was read the second time, and on the question that the same pass to its third reading, it was determined in the affirmative.

The Convention took up for its second reading the Article relating to vacancies occurring in the General Assembly before the meeting thereof.

On motion of Mr. Branch, the Article was amended by inserting after the word 'occur,' the following words, "in either branch of the Legislature."

On motion of Mr. Seawell, the Article was further amended by inserting the words 'of election' after the word 'writs,' and striking out the words 'by the Governor.'

The Article was read the second time, and on the question that the same pass to its third reading, it was determined in the affirmative.

The Convention took up for its second reading, the Article relating to the removal of Judges from Office, and declaring that the salaries of Judges shall not be diminished during their continuance in office.

Mr. Meares moved to amend the 1st section of the Article, by adding thereto the following words 'And before the vote shall be taken on any such Resolution, the members of the Senate and House of Commons shall take an oath or affirmation, truly and impartially to determine the charge in question, according to the evidence.'

On the question of agreeing to the amendment, it was determined in the negative.

Mr. Sawyer moved to amend the same section, by striking out the word "*twenty*," and inserting "*ten*."

On the question of agreeing to the amendment, it was determined in the negative.

Mr. Bower moved to strike out the second section which declares that the salaries of the Judges shall not be diminished during their continuance in office.

And the question being taken thereon, it was decided in the negative. Yeas 40—Nays 76.

The Yeas and Nays were required by one fifth of the members present, on the call of Mr. Bower.

Those who voted in the affirmative were

Messrs. Arrington, Bower, Baxter, Brittain, Birchett, Boddie, Cathey, Causler, Cooper, Chambers, Dobson, Ferebee, Fisher, Graves, Guinn, Grier, Hall, Hargrave, Hussey, Hutcheson, Jones (*Wake*) Jervis, Lea, Macon, McQueen, Morris, Melchor, McPherson, Montgomery, Moore, Parker, Shipp, Smith (*Yancy*), Shoher, Wilson (*Edgecomb*), Williams (*Franklin*), Welch, Whitfield, Wellborn and Wilder—40 Yeas.

Those who voted in the negative were

Messrs. Andres, Averitt, Bonner, Branch, Biggs, Bailey, Bunting, Brodnax, Carson (*Burke*), Carson (*Rutherford*), Cox, Chalmers, Collins, Dockery, Elliott, Faison, Franklin, Gatling, Gaither, Gaston (*Craven*), Gaston (*Hyde*), Gilliam, Gaines, Gary, Gray, Giles, Gudger, Hill, Hogan, Hooker, Hodges, Huggins, Howard, Halsey, Holmes, Jones (*Wilkes*), Joiner, Jacobs, King, Kelly, Lesueur, McMillan, McDiarmid, Marchant, Morehead, Martin, Marsteller, Meares, Norcom, Outlaw, Owen, Pipkin, Powell (*Robeson*) Ruffin, Rayner, Ramsay (*Pasquotank*), Roulhac, Swain, Styron, Sawyer, Skinner, Spaight (*Craven*), Speight (*Greene*), Stallings, Sanders, Seawell, Sherard, Tayloe, Troy, Toomer, White, Wooten, Wilson (*Perquimons*), Williams (*Person*), Williams (*Pitt*), and Young—76 Nays.

The Article was read the second time, and on the question that the same pass to its third reading, it was decided in the affirmative.

The Convention took up for its second reading, the Article relating to the removal of Justices of the Peace from Office.

On motion of Mr. Morehead, the Article was amended by striking out the words 'before the Superior Court held in the County in which he resides,' and inserting after "shall be," the word "thereby."

The Article was read the second time, and on the question that the same pass to its third reading, it was determined in the affirmative.

And on motion, the Convention adjourned.

WEDNESDAY, JULY 8, 1835.

The Convention met pursuant to adjournment. Prayer by the Rev. Dr. McPheeters.

Mr. King introduced the following Resolution, which lies on the table:

Resolved, That the Secretary make up the estimates of the members of this Convention from and after Friday next.

The Article relating to the office of Attorney General was taken up for consideration.

On motion of Mr. Seawell, the Article was amended by inserting after the word "appoint" the following: "at its first session after the year 1839, and thereafter."

On this question, the Yeas and Nays were required by one fifth of the members present, on the call of Mr. Hargrave, and were Yeas 78, Nays 35.

Those who voted in the affirmative were

Messrs. Andres, Averitt, Adams, Bower, Brittain, Cathey, Cox, Cansler, Chambers, Carson (*Rutherford*), Collins, Dockery, Dobson, Elliot, Ferree, Fisher, Faison, Franklin, Gaston (*Hyde*), Guinn, Grier, Gaines, Gary, Gray, Giles, Gudger, Hill, Hall, Hogan, Hargrave, Hussey, Hooker, Hodges, Huggins, Howard, Holmes, Jervis, Jones (*Wilkes*), Joiner, Jaccocks, King, Lea, Lesueur, Macon, Morris, McMillan, Melchor, McPherson, McDiarmid, Morehead, Martin, Montgomery, Moore, Norcom, Outlaw, Owen, Pearsall, Parker, Powell (*Robeson*), Rayner, Ramsay (*Pasquotank*), Roulhac, Swain, Sawyer, Shipp, Seawell, Sherard, Smith (*Yancy*), Shober, Spruill, Tayloe, White, Welch, Wilson (*Perquimons*), Williams (*Pitt*), Whitfield, Wellborn and Young—78 Yeas.

Those who voted in the negative were

Messrs. Bonner, Baxter, Branch, Biggs, Bailey, Bunting, Birchett, Brodnax, Cooper, Calvert, Daniel, Gatling, Gaither, Graves, Gaston (*Craven*), Gilliam, Hutcheson, Halsey, Jones (*Wake*), Kelly McQueen, Marchant, Marsteller, Meares, Pipkin, Ruffin, Skinner, Spaight (*Craven*), Speight (*Greene*), Stallings, Troy, Toomer, Wilson (*Edgecomb*), Wooten and Wilder—35 Nays.

Mr. Seawell moved further to amend the Article by adding the following proviso:

Provided always, That in case of vacancy, the Legislature at its next Session thereafter, shall appoint an Attorney General.

On the question of agreeing to the amendment, it was determined in the negative.

And on the question that the Article pass its third reading, and be referred to the Committee of seven, it was determined in the affirmative. Yeas 87—Nays 24.

The Yeas and Nays were required by one-fifth of the members present, on the call of Mr. Swain.

Those who voted in the affirmative were

Messrs. Andres, Averitt, Arrington, Adams, Bower, Bonner, Brittain, Biggs, Boddie, Cathey, Cox, Cansler, Cooper, Carson (*Rutherford*,) Dockery, Dobson, Elliott, Ferebee, Fisher, Faison, Franklin, Gatling, Gaither, Graves, Gilliam, Gaston (*Hyde*,) Guinn, Grier, Gaines, Gary, Gray, Giles, Gudger, Hill, Hall, Hogan, Hargrave, Hussey, Hooker, Huggins, Howard, Holmes, Jones (*Wake*,) Jones (*Wilkes*,) Jervis, Joiner, Jacocks, King, Lea, Lesueur, Macon, Morris, McMillan, Melchor, McPherson, McDiarmid, Marchant, Morehead, Martin, Montgomery, Moore, Norcom, Outlaw, Owen, Pearsall, Parker, Powell (*Robeson*,) Ruffin, Rayner, Ramsay (*Pasquotank*,) Roulhac, Sawyer, Stallings, Shipp, Seawell, Smith (*Yancy*,) Shober, Tayloe, Troy, White, Williams (*Franklin*,) Williams (*Pitt*,) Welch, Wilson (*Perquimons*,) Whitfield, Wellborn and Young—87 Yeas.

Those who voted in the negative were

Messrs. Baxter, Branch, Bailey, Bunting, Birchett, Calvert, Daniel, Gaston (*Craven*,) Hutcheson, Halsey, Kelly, McQueen, Marsteller, Meares, Pipkin, Swain, Skinner, Spaight (*Craven*,) Speight (*Greene*,) Sherard, Toomer, Wilson (*Edgecomb*,) Wooten and Wilder—24 Nays.

The Article relating to future amendments to the Constitution was taken up for consideration.

Mr. Meares moved to amend the Article by adding thereto the following:

“No Convention shall be called by the General Assembly except by the concurrence of two thirds of all the members of each House of the General Assembly.”

Mr. Hogan moved to amend the amendment by striking out the words “*two-thirds*,” and inserting in lieu thereof “*three-fifths*.”—And the question being had thereon, it was determined in the negative.

The question recurring on the amendment, it was decided in the affirmative—Yeas 90, Nays 29.

The Yeas and Nays were required by one fifth of the members present, on the call of Mr. Bower.

Those who voted in the affirmative were

Messrs. Andres, Averitt, Arrington, Adams, Bonner, Baxter, Branch, Brittain, Biggs, Bailey, Bunting, Brodnax, Boddie, Cathey, Cox, Cansler, Cooper, Calvert, Chambers, Collins, Daniel, Dockery, Dobson, Elliott, Edwards, Ferebee, Fisher, Faison, Gatling, Graves, Gilliam, Gaston (*Craven*,) Gaston (*Hyde*,) Gary, Gray, Gudger, Hill, Hall, Hussey, Hooker, Hodges, Huggins, Howard, Halsey, Holmes, Jones (*Wake*) Jones (*Wilkes*,) Joiner, Jacocks, King, Kelly, Lesueur, Macon, McPherson, Marchant, Marsteller, Meares, Norcom, Outlaw, Owen, Pearsall, Pipkin, Powell (*Robeson*) Ruffin, Rayner, Ramsay (*Pasquotank*,) Roulhac, Swain, Sawyer, Skinner, Spaight (*Craven*,) Speight (*Greene*,) Stallings, Seawell, Sherard, Smith (*Yancy*,) Spruill, Tayloe, Troy, Toomer, Wilson (*Edgecomb*,) Wilson (*Perquimons*,) Williams (*Franklin*,) Williams (*Person*,) Williams (*Pitt*,) Welch, Wooten, Whitfield, Wilder and Young—90 Yeas.

Those who voted in the negative were

Messrs. Bower, Birchett, Carson (*Burke*,) Carson (*Rutherford*,) Franklin, Gaither, Guinn, Grier, Gaines, Giles, Hogan, Hargrave, Hutcheson, Jervis, Lea, McQueen, Morris, McMillan, Melchor, McDiarmid, Morehead, Martin, Montgomery, Moore, Parker, Shipp, Shober, White and Wellborn—29 Nays.

And on the question that the said Article pass its third reading, and be referred to the Committee of seven, it was decided in the affirmative.

The Article relating to vacancies occurring in the General Assembly before the meeting thereof ;

The Article requiring members of the General Assembly to vote *viva voce* ;

The Article abrogating the right of mulattoes and free negroes to vote for members of the Legislature ; and

The Article relating to the removal of Judges from Office, and declaring that the salaries of Judges shall not be diminished during their continuance in office ; were severally read the third time, and referred to the Committee of seven.

The Article relating to the removal of Justices of the Peace from office, was taken up for consideration.

Mr. Jacocks moved to postpone the Article indefinitely ; which was determined in the negative. Yeas 14—Nays 91.

The Yeas and Nays were required by one fifth of the members present, on the call of Mr. Jacocks.

Those who voted in the affirmative, were

Messrs. Arrington, Cox, Ferebee, Gatling, Gary, Hussey, Jacocks, Macon, Morris, McPherson, Montgomery, Pipkin, Stallings, and Wilson—14 Yeas.

Those who voted in the negative were

Messrs. Andres, Averitt, Bower, Bonner, Baxter, Brittain, Biggs, Bailey, Bunting, Birchett, Broadnax, Boddie, Cathey, Cansler, Cooper, Calvert, Chambers, Collins, Daniel, Dobson, Dockery, Elliott, Fisher, Faison, Franklin, Gaither, Graves, Gilliam, Guinn, Grier, Gaines, Gray, Giles, Gudger, Hill, Hall, Hogan, Hargrave, Hooker, Huggins, Hutcheson, Halsey, Holmes, Jones (*Wake*,) Jones (*Wilkes*,) Jervis, Joiner, Kelly, Lea, Lesueur, McQueen, McMillan, Melchor, McDiarmid, Marchant, Morehead, Martin, Marsteller, Moore, Norcom, Outlaw, Owen, Parker, Powell (*Robeson*,) Ruffin, Rayner, Ramsay (*Pasquotank*,) Roulhac, Swain, Sawyer, Spaight (*Craven*,) Speight (*Greene*,) Shipp, Seawell, Sherard, Smith, (*Yancy*,) Shober, Spruill, Troy, Toomer, White, Wilson (*Edgecomb*,) Welch, Wooten, Williams (*Franklin*,) Williams (*Person*,) Williams (*Pitt*,) Whitfield, Wellborn, Wilder and Young—91 Nays.

Mr. Carson of Rutherford, moved to amend the Article by striking out the following words “ and he shall be forever disqualified from holding such appointment.”

And the question being taken thereon it was determined in the negative.

Mr. Jacocks moved to strike out of the Article, all after the word

"that," and insert in lieu thereof the following: "Upon the certificate of the Chairman or presiding Magistrate, that it is the opinion of three fourths of the acting Justices of the Peace of his said county, attested by the Clerk, and under the seal of said Court, that any Justice of the Peace in said County, is morally or mentally disqualified for holding said Office, then and in that case, the commission of said Justice of the Peace shall be cancelled, and he shall be thereupon removed from Office."

And upon the question to agree thereto, it was determined in the negative.

The Article was then read the third time, and referred to the Committee of seven.

The Article relating to the impeachment of Judges and other Officers of the State, was taken up for consideration.

Mr. Shober submitted the following amendment:

"The House of Commons shall elect from their own body, three members whose duty it shall be to prosecute impeachments. No impeachment shall be tried until the Legislature shall have adjourned *sine die*; when the Senate shall proceed to try such impeachment."

The question being had thereon, it was determined in the negative.

The Article was then read the third time, and referred to the Committee of seven.

The Convention took up for its second reading the Article arranging the Senatorial Districts.

Mr. Kelly moved to amend by striking the county of Montgomery from the 34th district, and attaching it to the 33d district.

Upon the question of agreeing to the amendment, it was decided in the negative. Yeas 21—Nays 93.

On this question, the Yeas and Nays were required by one fifth of the members present, on the call of Mr. Kelly.

Those who voted in the affirmative were

Messrs. Arrington, Bunting, Cox, Daniel, Dockery, Gary, Hall, Holmes, Jacobs, Kelly, McQueen, McDiarmid, Morehead, Marsteller, Moore, Norcom, Parker, Sawyer, Seawell, Troy and Toomer—21 Yeas.

Those who voted in the negative were

Messrs. Andres, Averitt, Adams, Bower, Bonner, Baxter, Brittain, Biggs, Bailey, Birchett, Brodnax, Boddie, Carson (*Burke*,) Carson (*Rutherford*,) Cathey, Cansler, Cooper, Calvert, Chambers, Collins, Dobson, Elliot, Ferebee, Fisher, Faison, Franklin, Gatling, Gaither, Graves, Gaston (*Craven*,) Gaston (*Hyde*,) Gilliam, Guinn, Grier, Gaines, Gray, Giles, Gudger, Hill, Hogan, Hargrave, Hussey, Hooker, Hodges, Huggins, Howard, Hutcheson, Halsey, Jones (*Wake*,) Jones (*Wilkes*,) Jervis, Joiner, King, Lea, Lesueur, Macon, Morris, McMillan, Melchor, McPherson, Marchant, Martin, Montgomery, Meares, Outlaw, Owen, Pipkin, Powell (*Robeson*,) Ruffin, Rayner, Ramsay (*Pasquotank*,) Roulhac, Swain, Skinner, Spaight (*Craven*,) Speight (*Greene*,) Stallings, Shipp, Sherard, Smith (*Fancy*,) Shober, Tayloe, White,

Wilson (*Edgecomb*,) Wilson (*Perquimons*,) Welch, Wooten, Williams, (*Franklin*,) Williams (*Person*,) Whitfield, Wellborn, Wilder and Young—93 Nays.

Mr. Bailey moved to amend the Article, so that Pasquotank should form a Senatorial district.

The question being taken thereon, it was decided in the negative. Yeas 18—Nays 83.

The Yeas and Nays were required by one fifth of the members present, on the call of Mr. Pipkin.

Those who voted in the affirmative were,

Messrs. Arrington, Baxter, Bailey, Carson (*Rutherford*,) Dockery, Ferebee, Fisher, Hill, Hall, Joiner, Jacocks, King, McQueen, Norcom, Owen, Ramsay (*Pasquotank*,) Shober, Tayloe,—18 Yeas.

Those who voted in the negative were

Messrs. Averitt, Adams, Bower, Bonner, Brittain, Biggs, Bunting, Birchett, Brodnax, Boddie, Cathey, Cox, Cansler, Cooper, Calvert, Chambers, Collins, Dobson, Elliott, Faison, Franklin, Gatling, Gaither, Graves, Gilliam, Gaston (*Hyde*,) Guinn, Grier, Gaines, Gary, Gray, Giles, Gudger, Hogan, Hargrave, Hodges, Huggins, Howard, Hutcheson, Halsey, Holmes, Jones (*Wake*,) Jones (*Wilkes*,) Jervis, Kelly, Lea, Lesueur, Morris, McMillan, Melchor, McPherson, McDiarmid, Marchant, Morehead, Martin, Marsteller, Montgomery, Moore, Outlaw, Parker, Pipkin, Powell (*Robeson*) Ruffin, Rayner, Roulhac, Skinner, Spaight (*Craven*,) Speight (*Greene*,) Stallings, Shipp, Seawell, Sherard, Smith (*Yancy*,) Toomer, White, Wilson (*Edgecomb*,) Welch, Wooten, Williams (*Franklin*,) Williams (*Person*,) Whitfield, Wellborn and Young—83 Nays.

The Article was read a second time; and on the question that it pass to its third reading, it was determined in the affirmative.

On motion of Mr. Kelly,

Ordered, That Mr. Chalmers have leave of absence from the service of the Convention, from and after to-morrow, for the remainder of the session.

On motion of Mr. Hargrave, the Convention proceeded to consider the Report on the mode of appointing Militia Officers.

The Convention refused to concur in the Report: and Mr. Hargrave presented the following Article:

Officers of the Militia shall be chosen as follows, that is: The officers of Companies by the Companies; Officers of Battalions and Regiments by the Commissioned Officers of Battalions or Regiments respectively; Brigadier Generals by the Field Officers of the Brigade; and Major Generals by the Field Officers of the Division, under such rules and regulations as the General Assembly may from time to time prescribe. The Governor shall commission all Officers.

The Article was read the first time, and ordered to be printed.

Mr. Collins moved that the Convention adjourn.

And the question being had thereon, it was determined in the negative—Yeas 52, Nays 53.

The Yeas and Nays were required by one-fifth of the members present, on the call of Mr. Collins.

Those who voted in the affirmative, were

Messrs. Andres, Biggs, Bailey, Bunting, Brodnax, Cooper, Calvert, Chambers, Collins, Elliott, Faison, Gilliam, Gaines, Gary, Giles, Gudger, Hill, Hogan, Hargrave, Hodges, Howard, Holmes, Jones (*Wake*), Jones (*Wilkes*), King, McQueen, Melchor, McPherson, McDiarmid, Marsteller, Meares, Moore, Norcom, Outlaw, Owen, Pipkin, Powell (*Robeson*), Rayner, Ramsay (*Pasquotank*), Roulhac, Spaight (*Craven*), Speight (*Greene*), Seawell, Shober, Spruill, Tayloe, Toomer, Wilson (*Edgecomb*), Wilson (*Perquimons*), Welch, Williams (*Franklin*), and Wellborn—52 Yeas.

Those who voted in the negative were

Messrs. Averitt, Arrington, Adams, Bower, Bonner, Brittain, Birchett, Baxter, Boddie, Cox, Cansler, Carson (*Rutherford*), Dockery, Dobson, Ferebee, Fisher, Franklin, Gatling, Gaither, Graves, Gaston (*Hyde*), Guinn, Grier, Gray, Hall, Huggins, Hutcheson, Halsey, Jervis, Joiner, Jacocks, Kelly, Lea, Lesueur, Morris, McMillan, Marchant, Morehead, Martin, Montgomery, Parker, Ruffin, Sawyer, Skinner, Stallings, Shipp, Sherard, Smith (*Yancy*), White, Wooten, Williams (*Person*), Whitfield and Young—53 Nays.

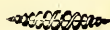
On motion of Mr. Giles, the Convention proceeded to consider the following Resolution:

Resolved, That three thousand copies of the Report of the Committee who was instructed to arrange the Senatorial Districts and apportion the members of the House of Commons among the several counties, be printed for the use of the Delegates of this Convention; and that the Article on the Senate and House of Commons adopted by the Convention, be appended thereto.

On motion of Mr. Hogan, the Resolution was amended by striking out "three thousand," and inserting "five thousand."

The Resolution was adopted; and on motion of Mr. Morehead, ordered that this document be printed under the direction of Messrs. Collins and Giles.

On motion, the Convention adjourned.



THURSDAY, JULY 9, 1835.

The Convention met pursuant to adjournment. Prayer by the Rev. Mr. Jamieson, of the Methodist Episcopal Church.

On motion of Mr. Wilson, of Edgecomb,

Ordered, That Mr. Biggs have leave of absence from and after to-morrow for the remainder of the session.

On motion of Mr. Branch, the Convention proceeded to consider the Report on the manner in which the amendments adopted by this Convention shall be submitted for ratification.

On motion of Mr. Marchant, the Report was amended by striking out the words "Thursday and Friday immediately succeeding," and inserting in lieu thereof the words "ensuing Monday."

On motion of Mr. Giles, the Report was further amended by striking out the word "*ten*," and inserting in lieu thereof "*twenty*."

Mr. Skinner moved to amend the Report by striking out "November" and inserting "March." And the question being had thereon, it was decided in the negative.

Mr. Wilson of Perquimons, moved further to amend the Report by striking out all after the first word, and to insert in lieu thereof as follows:

"That the amended Constitution be submitted for ratification or rejection to the Representatives of the people in the next General Assembly."

Upon the question of agreeing thereto, it was decided in the negative—Yeas 7, Nays 107.

The Yeas and Nays were required by one-fifth of the members present on the call of Mr. Dockery.

Those who voted in the affirmative, were

Messrs. Hall, Huggins, Holmes, Jacocks, McPherson, Stallings and Wilson (*Perquimons*,)—7 Yeas.

Those who voted in the negative were

Messrs. Andres, Averitt, Arrington, Adams, Bower, Bonner, Baxter, Branch, Brittain, Biggs, Bailey, Bunting, Birchett, Brodnax, Boddie, Cox, Cathey, Cansler, Cooper, Calvert, Chambers, Carson (*Rutherford*,) Collins, Daniel, Dockery, Dobson, Elliott, Edwards, Ferebee, Fisher, Faison, Franklin, Gatling, Gaither, Graves, Gaston (*Craven*,) Gaston (*Hyde*,) Gilliam, Guinn, Grier, Gaines, Gary, Gray, Giles, Gudger, Hill, Hogan, Hargrave, Hussey, Hooker, Howard, Hutcheson, Halsey, Jones (*Wake*,) Jones (*Wilkes*,) Jervis, Joiner, King, Kelly, Lea, Lesueur, Macon, McQueen, Morris, McMillan, Melchor, McDiarmick, Marchant, Morehead, Martin, Marsteller, Montgomery, Meares, Moore, Norcom, Outlaw, Owen, Pearsall, Parker, Pipkin, Powell (*Robeson*,) Ruffin, Rayner, Ramsay (*Pasquotank*,) Roulhac, Swain, Sawyer, Skinner, Speight (*Greene*,) Shipp, Seawell, Sheppard, Smith (*Yancy*,) Shober, Tayloe, Troy, Toomer, White, Wilson (*Edgecomb*,) Williams (*Franklin*,) Williams (*Person*,) Welch, Wooten, Whitfield, Wellborn, Wilder and Young—107 Nays.

On motion of Mr. Gaston of Craven,

Ordered, That the Report be re-committed to the same Committee, with instructions to bring in an Ordinance in conformity thereto.

The Convention took up for consideration the Article arranging the Senatorial Districts.

Mr. Owen moved to amend the Article so as to make Duplin and Onslow the 28th district, Bladen the 29th district, Brunswick and Columbus the 30th district. And on the question to agree to the same, it was decided in the negative.

The Article was then read the third time, and referred to the Committee of seven.

The Article apportioning the members of the House of Commons ; and,

The Article relating to the residence and qualification of voters for the Senate and persons eligible to the Senate, were each read and passed to their third reading.

The Article relating to capitation tax was read the second time, and on motion of Mr. Seawell, amended by adding thereto the following proviso:

Provided, That nothing herein contained shall prevent exemptions of taxable Polls, as heretofore prescribed by law, in cases of bodily infirmity.

And, on the question that the Article pass to its third reading, it was determined in the affirmative.

The Article was read the third time, and referred to the Committee of seven.

The Article relating to the appointment of Justices was taken up for its second reading.

Mr. Swain moved to amend the Article, by striking out all after the word "That," and inserting in lieu thereof the following:

The Justices of the Peace, within the respective counties in this State, shall in future be recommended to the Governor for the time being, by the representatives in General Assembly, and the Justices when so commissioned, shall hold their Offices during good behaviour, and shall not be removed from Office by the General Assembly unless for misbehaviour, absence or inability: *Provided*, that the number of Justices in each county shall not exceed fifteen to each representative to which such county may be entitled in the House of Commons.

On motion of Mr. Giles, the further consideration of the Article was postponed indefinitely. Yeas 56—Nays 21.

The Yeas and Nays were required by one fifth of the members present, on the call of Mr. Cooper.

Those who voted in the affirmative were

Messrs. Arrington, Adams, Bower, Bonner, Baxter, Brittain, Boddie, Cathey, Cooper, Calvert, Chambers, Dobson, Elliott, Ferebee, Fisher, Faison, Franklin, Gaither, Graves, Gilliam, Guinn, Grier, Gray, Giles, Gudger, Hall, Hussey, Huggins, Hutcheson, Jervis, Joiner, Jacocks, Lea, Lesueur, Morris, McPherson, McDiamid, Marchant, Martin, Marsteller, Moore, Outlaw, Parker, Pipkin, Roulhac, Shipp, Sherard, Shober, White, Wilson, (*Edgecomb*,) Welch, Wooten, Williams (*Person*,) Whitfield, Wellborn, and Young—56 Yeas.

Those who voted in the negative, were

Messrs. Biggs, Bailey, Daniel, Dockery, Edwards, Gaines, Gary, Hargrave, Kelly, Macon, McMillan, Melchor, Morehead, Meares, Norcum, Powell (*Robeson*,) Ruffin, Ramsay (*Pasquotank*,) Skinner, Smith (*Fancy*,) and Troy,—Nays 21.

The Article declaring that no person who holds Office under the United States, shall hold Office under this State, was taken up for its second reading.

On motion of Mr. Seawell, the Article was amended by striking out all after the word "That," and inserting in lieu thereof the following:

No person who shall hold any office or place of trust or profit under the U. States, or any department thereof, or any of said States, or under any foreign power, shall hold or exercise any Office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: *Provided*, That nothing herein contained, shall extend to the appointment of any Office in the militia or Justice of the Peace.

The Article as amended passed to its third reading.

The Article apportioning the members of the House of Commons; and

The Article relating to the residence and qualification of voters for the Senate, and persons eligible to the Senate; were each read the third time. and referred to the Committee of seven.

The Article upon private legislation was taken up for its second reading.

Mr. Morehead moved to amend the Article by striking out the 2d, 3d and 4th sections, and inserting in lieu thereof the following:

The General Assembly shall have no power to pass any private law to effect any object that could be effected by a general law on the subject.

The question being taken thereon, it was decided in the negative.

On motion of Mr. Gilliam, the Article was amended by striking out the first and fourth sections.

On motion of Mr. Meares, the Article was further amended by adding to the third section, as follows: "But shall have power to pass general laws regulating the same."

On motion of Mr. Meares, the following was adopted as an additional section:

The General Assembly shall not have power to pass any private law as to any matter, the power to do which shall have been transferred by a general law to the Courts of the State.

The article as amended, was read the second time; and on the question that it pass to its third reading, it was decided in the affirmative.

The Article amending the 32d section was taken up and considered.

Mr. Wilson, of Perquimons, moved to amend it, by striking out all after the word "That," and inserting in lieu thereof the following:

All free men, having the qualifications provided for in the existing Constitution, who upon election and previously to entering upon

a discharge of official duty, shall take the oath of allegiance to this State, and the oaths to support the Constitution of this State, and of the United States, shall be capable of holding any office or place of trust or profit in the civil department within this State.

Mr. Holmes called for a division of the question; and the question being on striking out, it was determined in the negative. Yeas 32—Nays 76.

The Yeas and Nays were required by one fifth of the members present on the call of Mr. Holmes.

Those who voted in the affirmative, were

Messrs. Andres, Averitt, Bonner, Branch, Bailey, Bunting, Carson (*Rutherford*), Collins, Daniel, Edwards, Ferebee, Gaston (*Craven*), Gaston (*Hyde*), Gilliam, Hall, Huggins, Howard, Holmes, Kelly, Macon, McPherson, Marchant, Outlaw, Owen, Rayner, Roulhac, Swain, Sawyer, Skinner, Tayloe, Troy and Wilson—32 Yeas.

Those who voted in the negative were

Messrs. Arrington, Adams, Bower, Baxter, Brittain, Biggs, Birchett, Broadnax, Boddie, Cathey, Cox, Cansler, Cooper, Chambers, Dockery, Dobson, Elliott, Fisher, Faison, Franklin, Gatling, Gaither, Graves, Guinn, Grier, Gaines, Gary, Gray, Giles, Gudger, Hill, Hogan, Hargrave, Hussey, Hooker, Halsey, Jervis, Jones (*Wake*), Jones (*Wilkes*), Joiner, King, Lea, Lesueur, McQueen, McMillan, Morris, Melchor, McDiarmid, Morehead, Martin, Montgomery, Moore, Norcom, Parker, Pipkin, Powell (*Robeson*), Ruffin, Ramsay (*Pasquotank*), Stallings, Speight (*Greene*), Shipp, Seawell, Sherard, Smith, (*Yancy*), Shober, Toomer, White, Wilson (*Edgecomb*), Williams (*Franklin*), Williams (*Person*), Welch, Wooten, Whitfield, Wellborn, Wilder and Young—76 Nays.

The Article was read the second and third time, and referred to the Committee of seven.

Mr. Branch from the Committee to whom the subject was referred, reported the following Ordinance:

*Be it ordained and declared, by the Members in this Convention, in Convention assembled, and it is hereby ordained by the authority of the same, That the Amendments to the Constitution of this State, adopted by this Convention, be submitted by the Governor to the people, on the second Monday in November next, days notice being given; and that the polls be opened by the respective Sheriffs, and kept open for days, at the several election precincts in each and every county in the State, under the same rules and regulations as now exist, for the election of Members to the General Assembly. That the said Sheriffs be required to compare and certify the results of the elections, on or before the Monday following, and transmit the same in twenty days thereafter, to the Governor of the State.— That all persons qualified to vote for members of the House of Commons, may vote for or against a ratification of the Amendments.— Those who wish a ratification of the Amendments, voting with a printed or written Ticket, “*Ratification*”—those of a contrary opinion, “*Rejection*.”*

Further, That it shall be the duty of the Sheriffs to make duplicate statements of the polls in their respective counties, sworn to before the Clerk of the County Court; one copy of which shall be deposited in said Clerk's Office, and the other copy transmitted to the Governor of the State, at Raleigh.

Be it further ordained by the authority of the same, That when the returns aforesaid shall have been received, the same shall be opened by the Governor in the presence of the Secretary of State and Treasurer; and in case a majority of the qualified voters of the House of Commons shall be in favor of a ratification of the Amendments, the same shall be forthwith made known by a Proclamation of the Governor to the People of the State. And thereupon, the amended Constitution shall be signed by the Governor, and his signature authenticated by the Great Seal of the State of North Carolina, as an evidence of its having been ratified by the people, and then filed in the office of the Secretary of State.

Be it further ordained by the authority aforesaid, That the amendments thus ratified shall take effect, and be in force, from and after the day of A. D. . *Provided*, however, that the Governor in office shall continue to exercise his functions to the full end and term of the time for which he shall have been elected.

Be it further ordained, That in the event of the Amendments being ratified by the people, then, and in that case, the election for Governor shall take place at the same time, in July and August next, that an election for members of the General Assembly shall be held; and that it shall be the duty of the respective Sheriffs, to open polls at their various election precincts, for a Governor, and to make duplicate statements of the polls in their respective counties, sworn to before the Clerk of the County Court—one copy of which shall be deposited in said Clerk's Office, and the other copy sealed and transmitted to the Secretary of State, and by him shall be laid before the Members of the next General Assembly, on the first day of their meeting, and the same shall be opened and counted in the presence of both Houses. The person having the greatest number of votes shall be the Governor-elect; provided, however, that he be constitutionally eligible. In case two or more have an equal number of votes, or in case the person having the greatest number be not qualified, then, and in that case, the General Assembly shall proceed to elect by joint ballot.

The Ordinance was read the first time; and on motion of Mr. Branch, ordered to be printed.

And, on motion, the Convention adjourned.

FRIDAY, JULY 10, 1835.

The Convention met pursuant to adjournment. Prayer by the Rev. Dr. McPheeters.

Mr. Gary submitted the following Resolutions: which lie on the table.

Resolved, That this Convention tender their thanks to the Authorities of the Presbyterian and Methodist Churches—the former for the use, and the latter for the offer of their Church for the sittings of this Convention.

Resolved further, That the Members of this Convention, present their thanks to the Rev. Dr. McPheeters and the Rev. Mr. Jamieson, for their services, as Chaplains to this Convention.

Ordered, That Messrs. Hooker, Speight (*Greene*.) Bryan, Joiner, Boddie, and Kelly, have leave of absence from and after to-day, for the remainder of the session of this Convention.

The Convention proceeded to consider the Article relating to Private Legislation.

On motion of Mr. Daniel, the Article was amended, by striking out the word “bastard,” and inserting the words, “any person not born in lawful wedlock.”

On motion of Mr. Meares, the Article was further amended by striking out the third section, and inserting the following:

The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days notice of application to pass such law, shall have been given under such direction, and in such manner as shall be provided by law.

The Article as amended, was read the third time, and referred to the Committee of seven.

The Article declaring the mode of appointing Militia Officers, was taken up for its second reading.

On motion of Mr. Guinn, the Article was amended by striking out all after the word “That,” and inserting in lieu thereof, the following:

The General Assembly shall have power to pass laws regulating the mode of appointing and removing Militia Officers.

The Article as amended, was read the second and third time, and referred to the Committee of seven.

The Article relating to the election of Governor was taken up for its second reading.

Mr. Shober submitted the following amendment, as an additional section to the Article.

The returns of every election for Governor, shall be sealed up and transmitted to the seat of Government by the returning Officers, directed to the Speaker of the Senate, who shall open and publish them in the presence of a majority of the members of both Houses of the General Assembly. The person having the highest number of votes, shall be Governor; but if two or more shall be equal and

highest in votes, one of them shall be chosen Governor, by joint vote of both Houses of the General Assembly. Contested elections for Governor shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law.

Mr. Seawell moved to amend the amendment by striking out the words "the highest number of votes, shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by joint vote of both Houses of the General Assembly," and inserting in lieu thereof, "a majority of the whole votes given shall be considered duly elected; but in case no one shall receive a majority, the General Assembly shall, by joint ballot of both Houses, appoint a Governor from the three having the highest number of votes."

On the question of adopting the amendment, it was determined in the negative. Yeas 37—Nays 66.

The Yeas and Nays were required by one fifth of the members present, on the call of Mr. Ramsay of Pasquotank.

Those who voted in the affirmative were

Messrs. Arrington, Baxter, Bailey, Bunting, Calvert, Collins, Edwards, Ferebee, Gatling, Gaither, Gaston (*Craven*,) Gaston (*Hyde*,) Gilliam, Gary, Hill, Hall, Huggins, Howard, Halsey, Holmes, Jones (*Wake*,) Jacocks, Macon, Melchor, McPherson, Marchant, Marsteller, Norcom, Outlaw, Pipkin, Rayner, Ramsay (*Pasquotank*,) Roulhac, Skinner, Seawell, Troy, and Toomer—37 Yeas.

Those who voted in the negative were

Messrs. Andres, Adams, Bower, Bonner, Brittain, Birchett, Brodnax, Cathey, Cansler, Cooper, Chambers, Carson (*Rutherford*,) Daniel, Dockery, Dobson, Elliott, Fisher, Faison, Franklin, Graves, Guinn, Grier, Gaines, Gray, Giles, Gudger, Hogan, Hargrave, Hussey, Hutcheson, Jervis, Jones (*Wilkes*,) King, Kelly, Lea, Lesueur, McQueen, Morris, McMillan, McDiarmid, Morehead, Martin, Montgomery, Meares, Moore, Owen, Parker, Powell (*Robeson*,) Ruffin, Swain, Spaight (*Craven*,) Stallings, Shipp, Sherard, Smith (*Yancy*,) Shober, White, Wilson (*Edgecomb*,) Wilson (*Perquimons*,) Williams (*Franklin*,) Williams (*Person*,) Whitfield, Welch, Wellborn, Wilder and Young—66 Nays.

And the question recurring on Mr. Shober's amendment, it was determined in the affirmative.

On motion of Mr. Shober, the Article was further amended by adding thereto, as follows:

The Governor elect shall enter on the duties of the office, on the first day of January thereafter, having previously taken the oath of Office in presence of the members of both branches of the General Assembly, or before the Chief Justice of the Supreme Court, who, in case the Governor elect should be prevented from attendance before the General Assembly, by sickness or other unavoidable cause, is authorised to administer the same.

The Article as amended, was read the second and third time, and referred to the Committee of seven.

The Article declaring that no person who holds Office under the United States, shall hold Office under this State, was taken up, and considered.

On motion of Mr. Daniel, the Article was amended by striking out the words "the appointment of."

On motion of Mr. Gaither, the Article was further amended by striking out the words "or under any of the said States, or under any foreign," and inserting in lieu thereof, "this State, or any other State or." Also, by inserting after the words 'exercise any,' the word 'other.'

The Article was read the third time, and referred to the Committee of seven.

The Article relating to biennial sessions of the General Assembly and the election of Secretary, Treasurer, Comptroller and Council of State, was taken up for its second reading.

On motion of Mr. Daniel, the Article was amended by striking out the word "Comptroller."

The Article as amended was read the second and third time, and referred to the Committee of seven.

The Convention took up for its second reading the Ordinance reported by the Committee.

On motion of Mr. Fisher, the first blank was filled with the word "thirty."

On motion of Mr. Halsey, the second blank was filled with the word "three."

On motion of Mr. Fisher, the Ordinance was amended by striking out the word "being" and inserting "having been."

On motion of Mr. Fisher, the second section was amended by striking out "qualified voters of the House of Commons." and inserting in lieu thereof "votes polled."

On motion of Mr. Gaston of Craven, the same section was further amended by striking out all of the section after the words "And thereupon," and inserting in lieu thereof as follows:

The Governor shall cause to be endorsed on the amendments as enrolled by order of the Convention, or shall annex thereunto a certificate under his signature, declaring that the said amendments have been ratified by the people of North Carolina, and the Secretary of State shall countersign the said certificate and annex thereto the Great Seal of State; and the said amendments so enrolled, with the certificate aforesaid, shall be forever kept among the archives of the State, in the office of the Secretary aforesaid.

On motion of Mr. Meares, the blanks in the third section were filled as follows, viz: "1st January, 1836."

On motion of Mr. Gaston of Craven, the third section was amended by striking out all of said section after the word "Governor," and inserting in lieu thereof "the Council of State, the Secretary of State, and the Public Treasurer, who may then be in office, shall

severally continue to exercise their respective functions until the Governor, Council of State, Secretary of State, and Public Treasurer, appointed under the amended Constitution, shall enter upon the duties of their office.

On motion of Mr. Gaston of Craven, the last section was stricken out.

The Ordinance as amended was read; and on the question that it pass to its third reading, it was determined in the affirmative.

The Convention proceeded to consider the Report upon circulating the proceedings of the Convention.

Mr. Fisher submitted the following Resolutions as a substitute for the Report:

Resolved, That two hundred and seventy-five copies of the Journal of the Convention be printed, to be distributed as follows, viz: one copy to the Executive Department of the United States, and of the several States; one copy to be deposited in the office of the Clerk of the County Court of each county in this State; one copy to each member of this Convention, and fifty copies to be deposited in the Public Library, the Library of the University, and the Offices of Heads of Departments, in such proportions as may be directed by the Governor of this State.

Resolved, That there be printed one hundred and twenty-five copies of the Constitution and the amendments adopted by the Convention, to be distributed under the direction of the Governor, for each county entitled to one member in the House of Commons, and in like proportion for counties entitled to a greater number of Representatives, and one hundred and twenty-five copies for each Senatorial District, making the aggregate number of twenty-one thousand two hundred and fifty.

On motion of Mr. Halsey, the second Resolution was amended by inserting after the word "District," the words "and one copy to be deposited in the office of the Clerk of the County Court of each county."

The Resolutions were read as amended, and adopted.

The Convention proceeded to consider the Report of the Committee setting forth that it is inexpedient to amend the Constitution so as to provide that no Judge of the Supreme Court shall be eligible to any office, nor any Judge of the Superior Court to any other office than that of Judge of the Supreme Court, while retaining his Judicial appointment.

And on the question of concurring in the Report, it was determined in the affirmative.

The Ordinance was taken up for its third reading.

Mr. King moved to amend the Ordinance by striking out "three" and inserting "two."

And the question being had thereon, it was determined in the negative.

The Ordinance was then read the third time, and referred to the Committee of seven.

Mr. Swain submitted the following Article:

That the General Assembly shall meet biennially until the year 1842, and either annually or biennially thereafter, as the General Assembly, which will be held in that year, may determine.

The said Article was read the first time.

Mr. Gaston of Craven, from the Committee who were appointed to examine, correct and classify the several amendments passed by the Convention, reported the same, as follows:

Whereas the General Assembly of North-Carolina, by an act, passed the sixth day of January, one thousand eight hundred and thirty-five, entitled "an act concerning a Convention to amend the Constitution of the State," and by an act, supplemental thereto, passed on the eighth day of January, one thousand eight hundred and thirty-five, did direct that polls should be opened in every election precinct throughout the State, for the purpose of ascertaining whether it was the will of the freemen of North-Carolina, that there should be a Convention of Delegates, to consider of certain amendments proposed to be made in the Constitution of said State; and did further direct that, if a majority of all the votes polled by the freemen of North-Carolina should be in favor of holding such Convention, the Governor should, by proclamation, announce the fact, and thereupon, the freemen aforesaid should elect delegates to meet in Convention at the city of Raleigh, on the first Thursday in June, one thousand eight hundred and thirty-five, to consider of the said amendments: And whereas, a majority of the freemen of North-Carolina did, by their votes, at the polls so opened, declare their will that a Convention should be had, to consider of the amendments proposed, and the Governor did, by proclamation, announce the fact that their will had been so declared, and an election for delegates to meet in Convention as aforesaid, was accordingly had: Now therefore, we, the Delegates of the good people of North-Carolina, having assembled in Convention, at the city of Raleigh, on the first Thursday in June, one thousand eight hundred and thirty-five, and having continued in session, from day to day, until the eleventh of July; one thousand eight hundred and thirty-five, for the more deliberate consideration of said amendments, do now submit to the determination of all the qualified voters of the State, the following amendments in the Constitution thereof, that is to say:

ARTICLE I.

SECTION 1.

§ 1. The Senate of this State shall consist of fifty Representatives, biennially chosen by ballot, and to be elected by districts; which districts shall be laid off by the General Assembly, at its first session after the year one thousand eight hundred and forty-one; and afterwards, at its first session after the year one thousand eight hundred and fifty-one; and then every twenty years thereafter, in proportion to the public taxes paid into the Treasury of the State,

by the citizens thereof; and the average of the public taxes paid by each county into the Treasury of the State, for the five years preceding the laying off of the districts, shall be considered as its proportion of the public taxes, and constitute the basis of apportionment: *Provided*, That no county shall be divided in the formation of a Senatorial district. And when there are one or more counties having an excess of taxation above the ratio to form a Senatorial district, adjoining a county or counties deficient in such ratio, the excess or excesses aforesaid shall be added to the taxation of the county or counties deficient, and if, with such addition, the county or counties receiving it, shall have the requisite ratio, such county and counties each, shall constitute a Senatorial district.

§ 2. The House of Commons shall be composed of one hundred and twenty representatives, biennially chosen by ballot, to be elected by counties according to their federal population, that is, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons, and each county shall have at least one member in the House of Commons, although it may not contain the requisite ratio of population.

§ 3. This apportionment shall be made by the General Assembly, at the respective times and periods when the districts for the Senate are hereinbefore directed to be laid off; and the said apportionment shall be made according to an enumeration to be ordered by the General Assembly, or according to the census which may be taken by order of Congress, next preceding the period of making such apportionment.

§ 4. In making the apportionment in the House of Commons, the ratio of representation shall be ascertained by dividing the amount of Federal population in the State, after deducting that comprehended within those counties which do not severally contain the one hundred and twentieth part of the entire Federal population aforesaid, by the number of Representatives less than the number assigned to the said counties. To each county containing the said ratio, and not twice the said ratio, there shall be assigned one Representative; to each county containing twice, but not three times the said ratio, there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

SECTION 2.

§ 1. Until the first session of the General Assembly, which shall be had after the year eighteen hundred and forty-one, the Senate shall be composed of members to be elected from the several districts hereinafter named, that is to say, the 1st district shall consist of the counties of Perquimons and Pasquotank; the 2d district, of Camden and Currituck; the 3d district, Gates and Chowan; the

4th district, Washington and Tyrrell; the 5th district, Northampton; the 6th district, Hertford; the 7th district, Bertie; the 8th district, Martin; the 9th district, Halifax; the 10th district, Nash; the 11th district, Wake; the 12th district, Franklin; the 13th district, Johnston; the 14th district, Warren; the 15th district, Edgecomb; the 16th district, Wayne; the 17th district, Greene and Lenoir; the 18th district, Pitt; the 19th district, Beaufort and Hyde; the 20th district, Carteret and Jones; the 21st district, Craven; the 22d district, Chatham; the 23d district, Granville; the 24th district, Person; the 25th district, Cumberland; the 26th district, Sampson; the 27th district, New-Hanover; the 28th district, Duplin; the 29th district, Onslow; the 30th district, Brunswick, Bladen, and Columbus; 31st district, Robeson and Richmond; the 32d district, Anson; the 33d district, Cabarrus; the 34th district, Moore and Montgomery; the 35th district, Caswell; the 36th district, Rockingham; the 37th district, Orange; the 38th district, Randolph; the 39th district, Guilford; the 40th district, Stokes; the 41st district, Rowan; the 42d district, Davidson; the 43d district, Surry; the 44th district, Wilkes and Ashe; the 45th district, Burke and Yancy; the 46th district, Lincoln; the 47th district, Iredell; the 48th district, Rutherford; the 49th district, Buncombe, Haywood and Macon; the 50th district, Mecklenburg:—each district to be entitled to one Senator.

§ 2. Until the first session of the General Assembly after the year eighteen hundred and forty-one, the House of Commons shall be composed of members elected from the counties in the following manner, viz: The counties of Lincoln and Orange shall elect four members each. The counties of Burke, Chatham, Granville, Guilford, Halifax, Iredell, Mecklenburg, Rowan, Rutherford, Surry, Stokes, and Wake shall elect three members each. The counties of Anson, Beaufort, Bertie, Buncombe, Cumberland, Craven, Caswell, Davidson, Duplin, Edgecomb, Franklin, Johnston, Montgomery, New-Hanover, Northampton, Person, Pitt, Randolph, Robeson, Richmond, Rockingham, Sampson, Warren, Wayne, and Wilkes shall elect two members each. The counties of Ashe, Bladen, Brunswick, Camden, Columbus, Chowan, Currituck, Carteret, Cabarrus, Gates, Greene, Haywood, Hertford, Hyde, Jones, Lenoir, Macon, Moore, Martin, Nash, Onslow, Pasquotank, Perquimons, Tyrrell, Washington and Yancy shall elect one member each.

SECTION 3.

§ 1. Each member of the Senate shall have usually resided in the district for which he is chosen for one year immediately preceding his election, and for the same time shall have possessed and continue to possess in the district which he represents, not less than three hundred acres of land in fee.

§ 2. All free men of the age of twenty-one years, (except as is hereinafter declared) who have been inhabitants of any one district

within the State twelve months immediately preceding the day of any election, and possessed of a freehold within the same district of fifty acres of land, for six months next before and at the day of election, shall be entitled to vote for a member of the Senate.

§ 3. No free negro, free mulatto, or free person of mixed blood, descended from negro ancestors to the fourth generation inclusive, (though one ancestor of each generation may have been a white person,) shall vote for members of the Senate or House of Commons.

SECTION 4.

§ 1. In the election of all officers, whose appointment is conferred on the General Assembly by the Constitution, the vote shall be *viva voce*.

§ 2. The General Assembly shall have power to pass laws regulating the mode of appointing and removing Militia Officers.

§ 3. The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

§ 4. The General Assembly shall not have power to pass any private law, to alter the name of any person, or to legitimate any persons not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime; but shall have power to pass general laws regulating the same.

§ 5. The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days notice of application to pass such law shall have been given, under such directions and in such manner as shall be provided by law.

§ 6. If vacancies shall occur by death, resignation or otherwise, before the meeting of the General Assembly, writs may be issued by the Governor, under such regulations as may be prescribed by law.

§ 7. The General Assembly shall meet biennially, and at each biennial session shall elect, by joint vote of the two Houses, a Secretary of State, Treasurer and Council of State, who shall continue in office for the term of two years.

ARTICLE II.

§ 1. The Governor shall be chosen by the qualified voters for the members of the House of Commons, at such time and places as members of the General Assembly are elected.

§ 2. He shall hold his office for the term of two years from the time of his installation, and until another shall be elected and qualified; but he shall not be eligible more than four years in any term of six years.

§ 3. The returns of every election for Governor shall be sealed up and transmitted to the Seat of Government, by the returning officers, directed to the Speaker of the Senate, who shall open and publish them in the presence of a majority of the members of both

Houses of the General Assembly. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by joint vote of both Houses of the General Assembly.

§ 4. Contested elections for Governor shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law.

§ 5. The Governor elect shall enter on the duties of the office on the first day of January next after his election, having previously taken the oaths of office in the presence of the members of both branches of the General Assembly, or before the Chief-Justice of the Supreme Court, who, in case the Governor elect should be prevented from attendance before the General Assembly, by sickness or other unavoidable cause, is authorised to administer the same.



ARTICLE III.

SECTION 1.

§ 1. The Governor, Judges of the Supreme Court, and Judges of the Superior Courts, and all other officers of this State, (except Justices of the Peace and Militia Officers,) may be impeached for wilfully violating any Article of the Constitution, mal-administration or corruption.

§ 2. Judgment, in cases of Impeachment, shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under this State; but the party convicted may nevertheless be liable to indictment, trial, judgment and punishment according to law.

§ 3. The House of Commons shall have the sole power of impeachment. The Senate shall have the sole power to try all impeachments. No person shall be convicted upon any impeachment, unless two-thirds of the Senators present shall concur in such conviction; and before the trial of any impeachment, the members of the Senate shall take an oath or affirmation truly and impartially to try and determine the charge in question, according to evidence.

SECTION 2.

§ 1. Any Judge of the Supreme Court, or of the Superior Courts, may be removed from office for mental or physical inability, upon a concurrent Resolution of two-thirds of both branches of the General Assembly. The Judge, against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either branch of the General Assembly shall act thereon.

§ 2. The Salaries of the Judges of the Supreme Court, or of the Superior Courts, shall not be diminished during their continuance in office.

SECTION 3.

Upon the conviction of any Justice of the Peace, of any infamous crime, or of corruption and mal-practice in office, the commission of such Justice shall be thereby vacated, and he shall be forever disqualified from holding such appointment.

SECTION 4.

The General Assembly, at its first session after the year one thousand eight hundred and thirty-nine, and from time to time thereafter, shall appoint an Attorney General, who shall be commissioned by the Governor, and shall hold his office for the term of four years; but if the General Assembly should hereafter extend the term during which Solicitors of the State shall hold their offices, then they shall have power to extend the term of office of the Attorney General to the same period.



ARTICLE IV.

SECTION 1.

§ 1. No Convention of the People shall be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly.

§ 2. No part of the Constitution of this State shall be altered, unless a Bill to alter the same shall have been read three times in each House of the General Assembly, and agreed to by three-fifths of the whole number of members of each House respectively; nor shall any alteration take place until the bill so agreed to shall have been published six months previous to a new election of members to the General Assembly. If, after such publication, the alteration proposed by the preceding General Assembly shall be agreed to in the first session thereafter, by two-thirds of the whole Representation in each House of the General Assembly, after the same shall have been read three times on three several days, in each House, then the said General Assembly shall prescribe a mode by which the Amendment or Amendments may be submitted to the qualified voters of the House of Commons throughout the State; and if, upon comparing the votes given in the whole State, it shall appear that a majority of the voters have approved thereof, then, and not otherwise, the same shall become a part of the Constitution.

SECTION 2.

The Thirty-second Section of the Constitution shall be amended to read as follows: No person who shall deny the being of God, or the truth of the Christian Religion, or the divine authority of the Old or New Testament, or who shall hold Religious principles incompat-

tible with the freedom or safety of the State, shall be capable of holding any office or place of trust or profit in the Civil department within this State.

SECTION 3.

§ 1. Capitation tax shall be equal throughout the State, upon all individuals subject to the same.

§ 2. All free males over the age of twenty-one years, and under the age of forty-five years, and all slaves over the age of twelve years, and under the age of fifty years, shall be subject to capitation tax, and no other person shall be subject to such tax; provided, that nothing herein contained shall prevent exemptions of taxable Polls, as heretofore prescribed by law, in cases of bodily infirmity.

SECTION 4.

No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or any other State or Government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: Provided, that nothing herein contained shall extend to Officers in the Militia or Justices of the Peace.

The Amendments were read, and the question being—" Shall they pass the final reading and be enrolled?"

Mr. Seawell moved that the question be taken separately on each Section.

The Chair decided that the motion was not in order, and that the vote must be taken on the Amendments as a whole, like a Bill on its final passage.

From this decision, Mr. Seawell appealed to the Convention.

And on the question—" Is the decision of the President correct?" it was determined in the affirmative—Yeas 87, Nays 11.

The Yeas and Nays were required by one fifth of the members present, on the call of Mr. Seawell.

Those who voted in the affirmative were,

Messrs. Andres, Arrington, Adams, Bower, Bonner, Baxter, Brittain, Bailey, Birchett, Brodnax, Cathey, Cansler, Chambers, Collins, Daniel, Dockery, Dobson, Elliott, Edwards, Ferebee, Fisher, Faison, Franklin, Gatling, Gaither, Graves, Gaston (*Craven*), Gilliam, Guinn, Grier, Gaines, Gary, Gray, Giles, Gudger, Hill, Hall, Hogan, Hargrave, Hussey, Huggins, Howard, Halsey, Holmes, Jervis, Jones (*Wilkes*), Jacocks, King, Lea, Lesueur, McQueen, Morris, McMillan, Melchor, McPherson, McDiarmid, Marchant, Morehead, Martin, Marsteller, Meares, Owen, Parker, Pipkin, Powell (*Robeson*) Ramsay (*Chatham*), Ramsay (*Pasquotank*), Rayner, Roulhac, Swain, Skinner, Spaight (*Craven*), Stallings, Shipp, Sherrard, Smith (*Yancy*), Toomer, White, Wilson (*Edgecomb*), Wilson (*Perquimons*), Williams (*Franklin*), Williams (*Person*), Welch, Whitfield, Wellborn, Wilder and Young—87 Yeas.

Those who voted in the negative were

Messrs. Bunting, Hutcheson, Jones (*Wake*,) Kelly, Montgomery, Moore, Norcom, Outlaw, Ruffin, Seawell and Shober—11 Nays.

And the question being on the passage of the Amendments to be enrolled, it was determined in the affirmative—Yeas 81, Nays 20.

The Yeas and Nays were required by one fifth of the members present, on the call of Mr. Edwards.

Those who voted in the affirmative, were

Messrs. Arrington, Adams, Bower, Brittain, Bailey, Birchett, Brodnax, Cathey, Causler, Chambers, Carson (*Rutherford*,) Collins, Daniel, Dockery, Dobson, Elliott, Ferebee, Fisher, Faison, Franklin, Gatling, Gaither, Graves, Gaston (*Craven*,) Gilliam, Guinn, Grier, Gaines, Gray, Giles, Gudger, Hogau, Hargrave, Hussey, Hutcheson, Halsey, Holmes, Jervis, Jones (*Wilkes*,) King, Kelly, Lea, Lesueur, McQueen, Morris, McMillan, Melchor, McPherson, McDiarmid, Marchant, Morehead, Martin, Marsteller, Montgomery, Meares, Moore, Outlaw, Owen, Parker, Powell (*Robeson*,) Ramsay (*Chatham*,) Ramsay (*Pasquotank*,) Roulhac, Swain, Skinner, Spaight (*Craven*,) Stallings, Shipp, Seawell, Sherard, Smith (*Yancy*,) Shober, Troy, Toomer, White Welch, Wilson (*Perquimons*,) Williams (*Person*,) Wellborn, Wilder and Young—81 Yeas.

Those who voted in the negative, were

Messrs. Bonner, Baxter, Bunting, Cooper, Calvert, Edwards, Gary, Hall, Huggins, Howard, Jones (*Wake*,) Jacocks, Macon, Norcom, Pipkin, Ruffin, Rayner, Wilson (*Edgecomb*,) Whitfield, and Williams (*Franklin*,) —20 Nays.

Mr. Andres was, on his motion, excused from voting on this question.

Mr. Gaston, of Craven, introduced the following Resolutions :

Resolved, That the Secretaries and Door-keepers of this Convention be allowed the same compensation which is paid by the General Assembly to the officers who render similar services to that body.

Resolved, That a Committee of three be appointed, who shall, after the adjournment of the Convention, audit and certify to the Governor all other claims on account of the contingent expenses of the Convention.

These Resolutions were read, and severally adopted.

Messrs. Gaston, of Craven, Daniel and Seawell compose the Committee raised on the second Resolution.

And, on motion, the Convention adjourned.



SATURDAY, JULY 11, 1835.

The Convention met, pursuant to adjournment. Prayer by the Rev. Dr. McPheeters.

On motion of Mr. Gary, the Convention proceeded to consider the following Resolutions :

Resolved, That this Convention tender their thanks to the Authorities of the Presbyterian and Methodist Churches—the former for the use, and the latter for the offer of their Church for the sittings of this Convention.

Resolved further, That the Members of this Convention, present their thanks to the Rev. Dr. McPheeters and the Rev. Mr. Jamieson, for their services, as Chaplains to this Convention.

Mr. Gary submitted the following additional Resolution :

Resolved, further, That the Rev. Dr. McPheeters be requested to furnish a copy of his Prayer offered up on this day, and that the Secretary cause the same to be entered on the Journals of this Convention.

On motion of Mr. Carson, of Burke, the second Resolution was amended by adding thereto :—“ And that they be requested to accept Fifty dollars each, for their attention as Chaplains.”

The Resolutions were read as amended, and the question being taken on their adoption, it was determined in the affirmative.

Mr. Gaston, of Craven, from the Committee of seven, reported the following Ordinance for its final reading :

AN ORDINANCE

To carry into effect the Amended Constitution.

Be it ordained and declared, by the Delegates to this Convention, in Convention assembled, and it is hereby ordained by the authority of the same, That the Amendments to the Constitution of this State, adopted by this Convention, be submitted by the Governor to the people, on the second Monday in November next, thirty days notice having been given ; and that the polls be opened by the respective Sheriffs, and kept open for three successive days, at the several election precincts in each and every county in the State, under the same rules and regulations as now exist, for the election of Members to the General Assembly. That the said Sheriffs be required to compare and certify the results of the elections, on or before the Monday following, and transmit the same in twenty days thereafter, to the Governor of the State. That all persons qualified to vote for members of the House of Commons, may vote for or against a ratification of the Amendments. Those who wish a ratification of the Amendments, voting with a printed or written Ticket, “*Ratification*”—those of a contrary opinion, “*Rejection*.”

Further, That it shall be the duty of the Sheriffs to make duplicate statements of the polls in their respective counties, sworn to before the Clerk of the County Court ; one copy of which shall be deposited in said Clerk’s Office, and the other copy transmitted to the Governor of the State, at Raleigh.

Be it further ordained by the authority of the same, That when the returns aforesaid shall have been received, the same shall be opened by the Governor in the presence of the Secretary of State and Trea-

surer; and in case a majority of the votes polled shall be in favor of a ratification of the Amendments, the same shall be forthwith made known by a Proclamation of the Governor to the People of the State. And thereupon, the Governor shall cause to be endorsed on the Amendments, as enrolled by order of the Convention, or shall annex thereunto a certificate under his signature, declaring that the said Amendments have been ratified by the people of North-Carolina, and the Secretary of State shall countersign the said certificate and annex thereto the Great Seal of the State, and the said Amendments so enrolled with the certificate aforesaid shall be forever kept among the archives of the State, in the Office of the Secretary aforesaid.

Be it further ordained by the authority aforesaid, That the Amendments thus ratified shall take effect, and be in force, from and after the first day of January, A. D. one thousand eight hundred and thirty-six : *Provided,* however, that the Governor, the Council of State, the Secretary of State and the Public Treasurer, who may then be in office, shall severally continue to exercise their respective functions, until the Governor, Council of State, Secretary of State and Public Treasurer, appointed under the amended Constitution, shall enter upon the duties of their office.

The Ordinance was read, and, on the question that it pass its final reading and be signed by the President and Secretaries, it was determined in the affirmative.

Mr. Gaston, of Craven, called up the following Resolution introduced by him on yesterday.

Resolved, That the thanks of this Convention are due, and are hereby respectfully and affectionately tendered to the Hon. NATHANIEL MACON, their venerable President, for the distinguished ability, dignity and impartiality, with which he has discharged the duties of his station.

On the motion of Mr. Carson, of Burke, the members voted standing, and the Resolution was *unanimously* adopted.

Whereupon, the President addressed the Convention as follows :

GENTLEMEN :—The merits which you have ascribed to me, in the performance of my duty in the Chair, belong to you. I have been for a long time engaged in public business ; and, though no one will charge me with being a flatterer, I must say, that I have never witnessed so much good order and decorum of conduct in any public body with which I have been connected. When I entered upon the important duties to which the Convention in their kindness called me, I was fearful that I should not have been able to discharge them with any-satisfaction to myself or to the Convention, nor should I, without your attentive aid and assistance. To you, therefore, my thanks are due for all your kindness.

This, I expect, will be the last scene of my public life. We are about to separate; and it is my fervent prayer, that you may each of you reach home in safety, and have a happy meeting with your family and friends, and that your days may be long, honorable and happy.

While my life is spared, if any of you should pass through the county in which I live, I shall be glad to see you.

The Ordinance and the Amendments to the Constitution were then signed by the President and Secretaries.

And on motion of Mr. Gaston, of Craven, the Convention adjourned, *sine die*.

TESTE.

EDMUND B. FREEMAN,

Secretary of the Convention.

Concluding Prayer.

ALMIGHTY AND MOST MERCIFUL GOD!—the Creator of the Heavens and of the Earth, and the Ruler of all worlds!

In the name of Jesus Christ, thy Son, we desire to draw nigh unto thee.

Thou art our preserver and kind benefactor. From the cradle to the present moment, we have shared largely in thy goodness and Providential care. Thou hast given us our health and friends and all our earthly comforts.

But we thank thee, Oh! Lord, especially, for the Gospel of the grace of God, in which thou hast spread before us the provisions of infinite mercy.

We are sinners, and need forgiveness—we are depraved, and need to be renewed in the spirit of our mind.

Oh! grant unto us repentance unto life, and faith in our Lord Jesus Christ.

For his sake, blot out all our iniquities—incline us to obey all thy commandments, and prepare us, by the sanctifying influences of thy Holy Spirit, for a happy immortality beyond the grave.

Remember, Oh! Lord, in mercy, the whole family of man. Send forth thy light and thy truth. Dispel the dark clouds of Idolatry, Infidelity and Superstition, which have so long enveloped the nations.

May the reign of ignorance and error and tyranny cease forever; and establish thou thy kingdom of grace and righteousness in the hearts of the children of men.

Send joy and peace to all the nations of the earth. Say to the devouring sword—It is enough; and over-rule all changes in the Kingdoms of the world, for the promotion of human happiness, and the universal triumphs of the Gospel of Christ.

Continue, Oh! Lord, to our highly-favored, but ungrateful land, its inestimable privileges. Forgive the sins of the people, and give unto us Rulers who shall rule in the fear of the Lord.

Preserve us from civil discord, and from all public and private calamities.

Be thou our strong Tower and the Rock of our defence. Appoint unto us salvation for walls and for bulwarks; and under the shadow of thy wings may we take refuge in time of trouble.

Graciously bless our Chief Magistrate, and all in authority. Direct those who are employed in Public Affairs, to the adoption of such measures as shall tend to promote thy glory and the best interests of the community; and give unto them wisdom and honesty, to serve their generation according to the will of God.

We thank thee, Oh! Lord, for thy providential care over all the members of this body, and for the high degree of order and harmony which has characterised the occasion.

Forgive whatever has been said or done amiss, and follow with thy blessing whatever has been done in accordance with thy will.

And now, Oh! Lord, as the business of this Convention is drawing near to a close, direct, this day, in the adjustment and ratification of the measures which have been under discussion; and graciously prosper all the acts of the body which may be calculated to advance the civil, social and religious interests of the community in which thou hast cast our lot.

Give to the people of this State, before whom its amended Constitution will soon pass in review, wisdom, that they may be directed in their final action thereupon.

Deliver them from passion, prejudice, and all unreasonable prepossessions. May they approach the question before them with honest, liberal and enlightened views, and decide thereon calmly, conscientiously, and in the fear of God.

And when this body, to whom has been committed the revision of our fundamental Laws, shall have adjourned, conduct them all in safety to their respective places of abode, there to meet again, in circumstances of comfort, their families, their friends, and their constituents.

And inasmuch, as they will never again meet together on earth, prepare them, most gracious God, for the solemnities of that approaching day, when the assembled Universe shall meet in GRAND CONVENTION before thy Throne to be judged and rewarded according to their works.

The Lord grant unto us, that we may all find mercy of the Lord in that day!

Now, unto Him, who is able to do exceeding abundantly, above all that we ask or think, according to the power that worketh in us, unto Him be glory in the Church, by Jesus Christ, throughout all ages, WORLD WITHOUT
END! *Amen.*





